

# WORKPLACE RELATIONS MINISTERS' COUNCIL

Comparative Performance Monitoring

## Comparison of Occupational Health and Safety Arrangements in Australia and New Zealand

November 2004  
3<sup>rd</sup> Edition

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# foreword

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This is the third edition of the *Comparison of Occupational Health and Safety Arrangements in Australia and New Zealand*.

This publication, produced biennially, is a matrix of comparative information on the different approaches to workplace health and safety in the Australian Federal, State and Territory jurisdictions and New Zealand. It is a companion report to the 6<sup>th</sup> *Comparative Performance Monitoring* (CPM) report, which presents statistical information on occupational health and safety (OHS) and workers' compensation outcomes for the financial year 2002–03. To coincide with the CPM report, this report presents information as at 1 July 2003, unless otherwise stated. Jurisdictional strategic overviews were current as of mid-2004 and do not provide information on developments since that time.

This publication provides valuable information to assist employers, employees, suppliers and others who have duty of care responsibilities for workplace safety.

Part one of the publication sets out the approaches adopted by the individual OHS authorities to improve workplace health and safety and in particular information on enforcement and prevention strategies.

Part two provides a comparison of the legislative requirements under each jurisdiction, along with information on industries being targeted by each OHS authority.

The material contained in this publication has been coordinated by the Office of the National Occupational Health and Safety Commission. The information presented has been provided by the OHS authorities in Australia and New Zealand. Their cooperation in completing this project is much appreciated.



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# Strategic Directions

## THE NATIONAL OHS STRATEGY 2002–2012

On 24 May 2002 the Workplace Relations Ministers' Council (WRMC) endorsed *The National OHS Strategy 2002–2012*. The Strategy is a landmark development signifying the commitment of all Australian governments, the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions, to work cooperatively on national priorities for improving OHS and to achieve minimum national targets for reducing the incidence of workplace deaths and injuries.

The Strategy was developed by the members of the National Occupational Health and Safety Commission (NOHSC) and reflects their agreement to share responsibility for continuously improving Australia's performance in work-related health and safety. The Strategy replaces NOHSC's *National OHS Improvement Framework (1999)*, however, the nine areas for national action identified in the Framework now underpin the Strategy.

The Strategy establishes a national OHS vision – *Australian workplaces free from death, injury and disease*. NOHSC will report annually to the WRMC on the implementation of the Strategy, which will be reviewed and refined over its life.

The national targets set by the Strategy allow progress to be measured and will foster national efforts for substantial, on-going improvement in Australia's OHS performance over the next decade. The targets are:

- to sustain a significant, continual reduction in the incidence of work-related fatalities, with a reduction of at least 20% by 30 June 2012 (achieving a reduction of 10% by 30 June 2007); and
- to reduce the incidence of workplace injury by at least 40% by 30 June 2012 (achieving a reduction of 20% by 30 June 2007).

The Strategy contains five initial national priority areas for action to achieve short-term and longer-term improvements. They recognise that cooperation among OHS stakeholders will lead to more efficient and effective prevention efforts. NOHSC, in consultation with its stakeholders, has developed more detailed action plans for each of the five national priorities for 2002–2005. Each action plan consists of several activities, or principal actions, that have been determined because of the significant contribution they are likely to make towards achieving the strategy's targets. The WRMC endorsed the action plans in November 2002.

The five initial national priorities are to:

1. reduce high incidence/severity risks
2. improve the capacity of business operators and workers' to manage OHS effectively
3. prevent occupational disease more effectively
4. eliminate hazards at the design stage
5. strengthen the capacity of government to influence OHS outcomes.

The first national priority is expected to contribute immediately to achieving the national targets. For example, risks in a nominated industry sector may require priority attention nationally where it has a relatively high incidence of work-related injuries compared with other industry sectors, or where it accounts for a high proportion of work-related deaths each year.

For 2003–04 the strategy concentrated on the following high-risk industries:

- Construction;
- Manufacturing;
- Transport and storage; and
- Health and community services;

and the following three key mechanisms of injury:

- body stressing;
- falls, trips and slips of a person; and
- being hit by moving objects/hitting objects with part of the body.

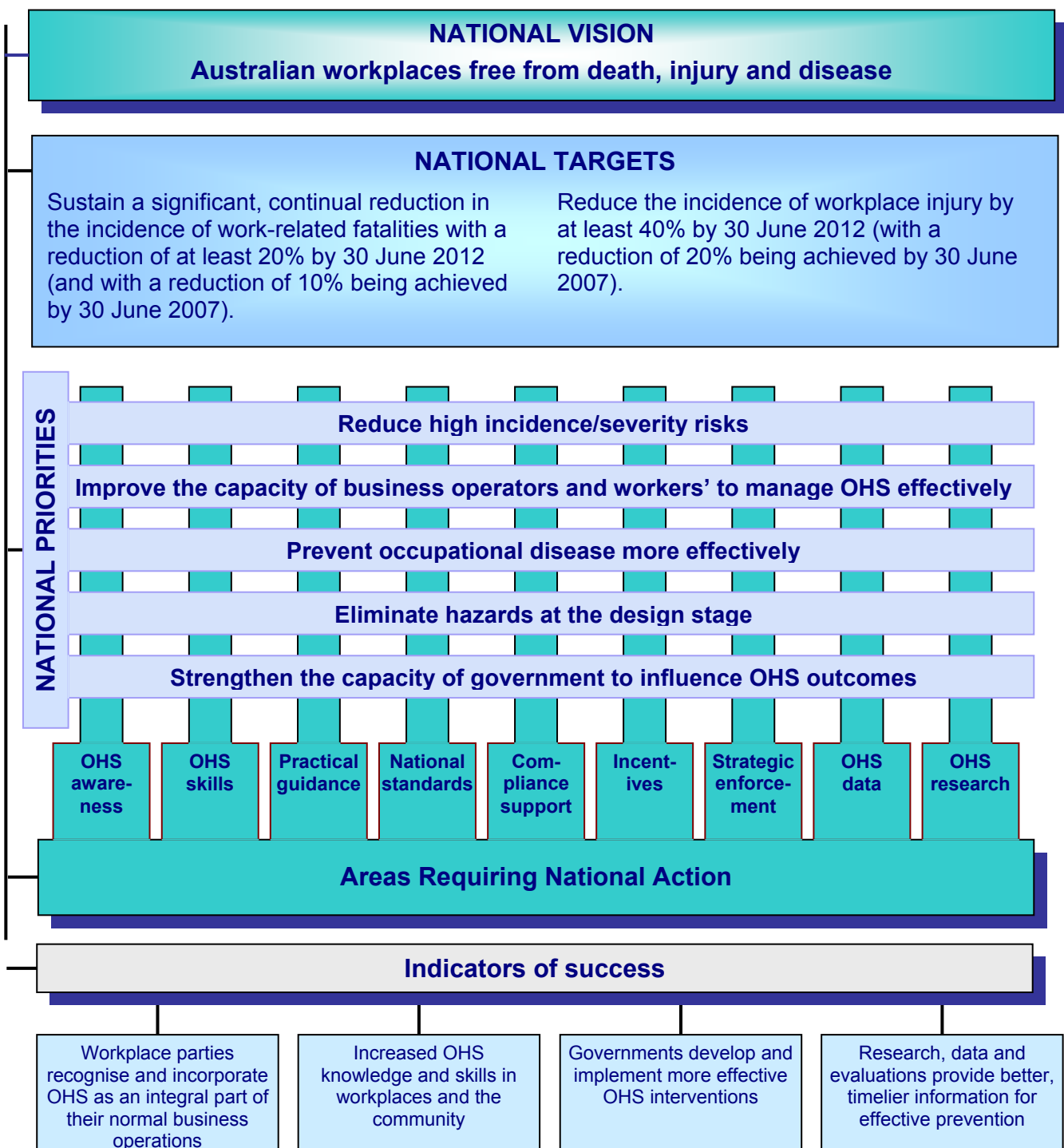
Some elements of the other four priorities will assist with short-term outcomes. However, they are expected to contribute primarily to achieving longer-term, sustainable results.

NOHSC, and its stakeholders, are working to encourage all industries to adopt the National Strategy and set targets to improve their own OHS performance. Initially the focus will be on the industries identified under national priority 1 as having the highest incidence rates. NOHSC is also working to ensure that OHS is considered in the context of other government priorities and to raise awareness of the OHS issues, particularly amongst key influencers and decision makers.

A copy of the Strategy is available at <http://www.nohsc.gov.au/nationalstrategy>.

Figure 1, on the following page, provides an outline of the National Strategy.

**FIGURE 1. A summary of the *National OHS Strategy 2002–2012***



# New South Wales

## 1. Scheme specific objectives

WorkCover New South Wales (WorkCover) provides information and assistance on occupational health and safety in the workplace, as well as licensing defined premises, activities and the operation of hazardous equipment. It enforces occupational health and safety legislation through inspections, investigation of incidents and complaints, mediation of disputes and, when necessary, penalties and prosecutions. In addition WorkCover monitors workers' compensation and injury management schemes, licenses insurance companies to provide workers' compensation insurance, and assists insurers to meet all statutory requirements. Recently, there was significant reform of workers' compensation and occupational health and safety legislation to improve workplace safety and injury management programs and address the rising cost of the workers' compensation scheme.

Furthermore, WorkCover:

- promotes prevention of work-related injury and diseases and assists workplaces to become healthier and safer;
- promotes prompt, efficient and effective management of injuries to persons at work;
- ensures efficient operation of workers' compensation insurance arrangements; and
- ensures appropriate coordination of the administration of the schemes under which workers' compensation or occupational health and safety legislation relates.

## 2. Future directions

At the core of WorkCover's future directions is its ongoing efforts to sharpen its policy development and service delivery functions through the framing of a new corporate plan coupled with the consolidation of its recent and significant legislative reform program in the areas of occupational health and safety, injury management and workers' compensation. Together these activities will significantly realign the organisation's corporate priorities and programs over the next few years.

WorkCover's new Corporate Plan has embraced two key objectives, Injury and Illness Prevention and Scheme Viability to focus WorkCover resources in delivery of our vision of 'Safe Secure Workplaces'. In support of these objectives, two critical success factors or enablers, 'Stakeholder Engagement' and 'Organisational Capability', were developed to ensure WorkCover has the ability to achieve its objectives. Within the context of its corporate planning processes WorkCover is developing initiatives to enhance the performance measurement of the Authority's services, improve program evaluation, and develop performance measurement techniques to assist it to better gauge the effectiveness of its own efforts to improve service delivery.

In the area of OHS and injury prevention, WorkCover will continue to interact and communicate with workplaces, service delivery providers and the broader community. Through the use of a multi-faceted approach that combines a range of compliance activities, targeted interventions and innovative programs in areas of high risk, WorkCover will continue to seek to build industry's capability to manage safety systematically.

In addition WorkCover will continue to build on significant industry interest in its Premium Discount Scheme, which by way of incentive, seeks to drive improvements in systematic prevention and injury management.

In the area of workers' compensation and injury management, reform of the NSW workers' compensation scheme has focused industry on better injury management and return to work strategies, improved dispute resolution mechanisms and compliance measures, removed cross subsidies in premium rate setting and is aimed at reducing the Scheme's deficit.

### 3. Prevention strategies

Within the framework of its Corporate Plan, WorkCover will be seeking to further implement and consolidate its legislative and policy reform program with the view to securing a high level of compliance with the statutory requirements of the new *Occupational Health and Safety Act (2000)* and *Occupational Health and Safety Regulation (2001)*. It will seek to optimise its legislative, regulatory and policy development capability to deliver its vision of safe, secure workplaces. Through the utilization of its single workplace interaction strategy, the continued identification of high risk targeted action areas, and an appropriate mix of information, guidance and enforcement activities, WorkCover will ensure high level compliance with statutory requirements.

WorkCover also provides financial grants for targeted initiatives through a Research Grants program and the WorkCover Assist Program, which is currently moving into the third and final year. This program provides financial grants to employer and employee associations to assist workplaces in the adoption of provisions introduced in the recent reform of OHS and workers' compensation legislation.

WorkCover also provides a range of services including the issuing of licences for a range of functions including operator certification, plant registration and the storage of dangerous goods.

WorkCover through its Industry Teams, Industry Reference Groups and wider corporate structure, will engage industry in effective partnerships which seek to bring about the requisite cultural and substantive changes in the workplace that build the capability of people to understand and apply consultation mechanisms and the risk management process.

### 4. Enforcement policies

WorkCover's Compliance and Prosecution Policy sets out the NSW Government's approach to enforcement of the *Occupational Health and Safety Act 2000* (the OHS Act), the *Workers' Compensation Act 1987*, *Workplace Injury Management and Workers' Compensation Act 1998* and associated legislation. Enforcement is one of several strategies used to encourage compliance with the law. Other strategies include the provision of information, education and advice, as well as the issue of permits, licences and accreditation. To achieve compliance with health and safety legislation, inspectors use a number of options, ranging from the provision of information and advice, through the issue of Improvement Notices, Prohibition Notices and Penalty Notices ('on-the-spot fines'), to prosecution. WorkCover inspectors aim to choose the option best suited to the situation at the workplace.

### 5. Regulatory reform

The *Occupational Health and Safety Regulation 2001* was enacted in NSW in September 2001 in support of the *Occupational Health and Safety Act 2000*. The object of the regulation was to replace existing regulations relating to occupational health, safety and welfare with a single consolidated regulation.

The new Act and supporting Regulation set out requirements for all workplaces to put systems in place to identify, assess and eliminate, or control health or safety risks. The Regulation defines the obligations for employers and others such as manufacturers, suppliers, designers, principal contractors and controllers of workplaces. It also emphasises the duty of employers to consult with their employees and provides details on how this duty can be met.

The NSW legislative framework for OHS now has in place provisions that are consistent with the national standards concerned with manual handling, hazardous substances, plant, occupational noise, lead and carcinogenic substances.

It is intended that in 2004 NSW will also put in place the provisions of the national framework for the storage and handling of workplace dangerous goods and will collaborate with other agencies to

establish a system that is consistent with the requirements of the *National Standard for the Control of Major Hazard Facilities*.

In the area of Injury Management NSW has also enacted significant reform over the past 18 months with the view to improving Scheme performance in relation to injured workers' (see Future Directions section).

## 6. Training priorities

WorkCover is committed to helping industry maintain safer and healthier workplaces throughout NSW and actions this by developing educational products and managing accreditation processes that support the development of skills in workplaces in OHS and Risk Management.

WorkCover's external OHS education and training strategy includes:

- developing OHS training and education resources on a consultative basis, in line with OHS legislation, the National Training Framework and industry needs;
- managing the WorkCover Trainer Accreditation Process and professional development of approximately 1000 WorkCover Accredited trainers;
- liaising with the vocational education and training (VET) sector to ensure WorkCover's continued involvement and appropriate response to national OHS and education trends; and
- working in partnership with the National Occupational Health and Safety Commission (NOHSC) and all jurisdictions to ensure uniformity and consistency in approach

WorkCover's internal OHS education and training strategy includes a range of training programs to support the core business activities of the OHS Division. These include:

- Inspector Induction program (integrating formal training, structured field learning and assessment tasks designed to develop the skills for Entry Level Inspectors to administer the legislative requirements of the OHS Act with industry to improve the health and safety of NSW workplaces);
- transition training for former specialist staff including Complaints, Powers of the Inspector OHS Division legislation and Notices training; and
- development of technical training manuals addressing industry team specific OHS management issues eg Labour Hire.

## 7. Research priorities

WorkCover in line with its Corporate Plan and objectives, has identified a range of relevant research projects that it is currently undertaking through commissioned research and Non-Government Organisation grants programs. The Grants Scheme aims to promote positive change and best practice in the areas of occupational health and safety, injury management and workers' compensation by funding prevention, education and research initiatives that promote WorkCover's objectives.

The objectives of the Grants Scheme are:

- to encourage a long term prevention approach which reduces the social and economic costs of occupational injury and disease;
- to develop the capability of industry to apply a preventative approach to occupational health and safety;
- to support injury management processes which assist a safe and early return to work after injury and illness; and

- to support initiatives which ensure an equitable and affordable workers' compensation scheme.

In addition to the Grants Scheme there are also other areas of research commissioned by industry working parties set up by WorkCover's Industry Reference Groups that are in line with identified areas of need.

## **8. WorkCover insurance scheme**

The workers' compensation scheme (WorkCover Scheme) is a compulsory, no fault system, providing insurance for NSW employers and workers'.

In 2000, the Minister for Commerce set out the principles for on-going reform of the NSW Workers' Compensation Scheme. The key focus of these principles was the delivery of sustainable scheme viability, together with appropriate treatment and better return to work for injured workers'.

Since then a range of significant reforms have been introduced including a new industry classification system for premium rates based on Australian New Zealand Standard Industrial Classification (ANZSIC), improved compliance measures, and a streamlined dispute resolution process.

The next step in the reform process is the introduction of specialist agents into the NSW scheme, under arrangements, to provide a range of claims and funds management activities. NSW Parliament passed enabling legislation in 2003 and it is expected that the new agent arrangements will be in place in approximately two years.

## **9. Other key activities**

Other activities being undertaken are:

- development of a broad range of guidance materials and programs to assist industry and particularly small business, better understand and apply risk management principles;
- contributing to the implementation of the National Improvement Framework and development of the National Improvement Strategy; and
- enhanced corporate planning, strategic service delivery and performance measurement.

## 1. Scheme specific objectives

WorkSafe Victoria's overriding objective is to work with all Victorians to progressively reduce the incidence, severity and cost to the community of work-related injury and disease. In particular we intend to improve health and safety performance:

- in identified industries;
- by poor performing employers;
- for designated injury types; and
- by reducing the incidence of workplace deaths.

WorkSafe's role is to also effectively manage major hazard facilities, focus on prevention of major incidents and ensure the ongoing effectiveness of the regulatory regime.

Specific objectives include:

- a 3% reduction in claims frequency rate in 2003–04;
- maintaining and monitoring the Safety Case regime in all Major Hazard Facilities;
- a reduction in fatalities;
- stakeholders are fully engaged; and
- meeting WorkSafe's 'duty of care' to the community to administer hazard-specific regulations (worker and public safety).

These objectives are to be achieved by focusing our resources on:

- the four worst performing industries and specific sub-sectors;
- 100 medium to large organisations with significant scope for improvement;
- the most common injury types associated with sprains and strains;
- fatalities;
- major hazard facilities; and
- administration and enforcement of hazard specific regulations.

## 2. Future directions

WorkSafe's new operating model incorporates a greater reliance on evidence-based interventions and greater leverage of key external parties to achieve healthier and safer workplaces.

The key elements of the new operating model are:

- Focusing of WorkSafe's resources including:
  - better use of data and evaluations
  - improved targeting
  - improved tools such as the Compliance and Enforcement strategy
  - increasing the capacity of staff and support services
- Utilisation of key external parties such as:
  - employer groups
  - unions
  - agents (WorkCover Insurers)
  - OHS consultants

- Creation of an imperative to improve OHS performance:
  - threat of enforcement
  - community opinion
  - business cases

These elements are designed to act on employers and on designers, manufacturers and suppliers of equipment and materials used in workplaces to ensure that the workplace equipment and facilities, systems and processes, skills and competencies and culture are all geared towards improving workplace health and safety.

### 3. Prevention strategies

WorkSafe's prevention strategy is aimed at preventing work-related death, injury and illness by a combination of encouragement for effective workplace safety and a strong deterrence for poor performance.

The prevention strategy targets:

- high risk industries
  - agriculture
  - manufacturing
  - transport and storage
  - public sector
  - community services
  - construction
- 100 medium to large organisations with significant scope for improvement
- common injury types - especially sprains and strains
- work-related fatalities
- major hazard facilities.

Encouragement for effective workplace safety includes:

- information, education, and communication:
  - targeted at managers, supervisors and health and safety representatives;
  - providing practical, accessible and customised guidance material on hazard identification, risk assessment and risk control;
  - active support for the election of health and safety representatives and the development of their skills; and
  - promotion of the establishment of health and safety committees, effective workplace consultative processes and issue resolution.
- financial incentives:
  - including the Safety Development Fund and the Small Business Innovation Fund; and
  - reviewing the workers' compensation premium system to maximise the incentives for good health and safety performance.

### 4. Enforcement strategies

WorkSafe inspectors undertake enforcement action in response to legislative breaches or immediate risks. All relevant duty holders will be targeted for enforcement action. Key duty holders are employers, including contractors and labour hire companies, and manufacturers, designers and suppliers.

The four key principles that underpin WorkSafe's approach to enforcement are; proportionality, consistency, transparency and targeting. These principles ensure that:

- any enforcement action taken will be proportionate to the risk involved;
- a consistent approach in similar circumstances will be taken to achieve consistent outcomes;
- a transparent process will be maintained so that duty holders understand what is expected of them and what they should expect in their dealings with WorkSafe; and
- high-risk situations and industries are targeted.

There is a range of enforcement and compliance tools available, and the most appropriate response is often a combination of these tools as part of an integrated strategy. For example, guidance material may be provided at the same time as issuing a notice; or a prosecution may trigger information and communication activities to maximise deterrence.

### ***Enforcement Criteria***

Where non-compliance with legislation is detected, or where there is an immediate risk, a notice or direction will be issued to control the problem, unless the duty holder addresses the matter at the time of its detection and in the presence of the inspector.

An inspector will consider using additional enforcement tools after assessing:

- the extent of the risk;
- the seriousness of the perceived breach and the actual or potential consequence;
- whether a target issue, target hazard or specific strategic priority is involved;
- the impact of the regulatory action, especially its impact on encouragement and deterrence;
- the compliance history of the duty holder;
- the attitude and response of the duty holder;
- whether the incident or nature of the non-compliance is of considerable public concern; and
- the need to highlight a common hazard or risk in order to deter other workplaces from continuing particular practices.

### ***Prosecution guidelines***

WorkSafe will consider prosecution in circumstances where there is alleged non-compliance with legislation, including where death or serious injury has resulted. A decision to prosecute is based on an assessment of the nature of the non-compliance, the duty holder's performance and WorkSafe's prosecution priorities (see below).

All duty holders (including designers, manufacturers, importers and suppliers) may be subject to prosecution. In addition, prosecution will be influenced by consideration of the public interest.

### ***Prosecution Priorities***

Priority will be given to prosecuting offences relevant to target industries, poor performing firms, injury types and workplace fatalities. Other specific prosecution priorities include:

- alleged failure to comply with a prohibition notice, improvement notice, written direction, provisional improvement notice or provisional direction;
- offences against inspectors, and other authorised officers, in exercising of their legislative powers;
- cases of discrimination against an employee for any action in relation to occupational health and safety; and

- breaches of the consultative provisions of the *Occupational Health and Safety Act 1985* and regulations.

WorkSafe may also investigate offences under other legislation, such as the offences of manslaughter and negligently causing serious injury under the *Crimes Act 1958*.

## 5. Regulatory reform

### ***Review of Occupational Health and Safety (Asbestos) Regulations***

The *Occupational Health and Safety (Asbestos) Regulations 2003* (the Asbestos Regulations) came into effect on 1 February 2003 and replaced the 1992 Regulations that expired on the same date. These Regulations provide a regulatory framework for the control of occupational exposure to airborne asbestos fibres and includes the new laws which give effect to the national agreement to prohibit the use of chrysotile asbestos, from 31 December 2003.

The *Occupational Health and Safety (Asbestos)(Amendment) Regulations 2003* were made on 16 December 2003 and came into operation on 31 December 2003. These Regulations incorporate the National List of Exemptions to the prohibitions on 'use' of asbestos and clarify operation of the existing Regulations in relation to soil that is contaminated with asbestos and to recycled construction materials where there is minor contamination with asbestos-containing material.

WorkSafe is also drafting amendments to the Asbestos Regulations to clarify that the Regulations applying to fixed and installed asbestos also apply to asbestos that is not fixed or installed (including asbestos-contaminated dust). In addition, it is intended that the draft amendment will require licensed asbestos removalists to be engaged to remove asbestos that is not fixed or installed where that asbestos constitutes more than a minor contamination. However, the issue of who may conduct removal of asbestos that is not fixed or installed emerged as especially urgent. In order to expedite resolution of this matter and in the interests of public safety, an Order, under the *Dangerous Goods Act 1985*, was made on 16 December 2003. The Order came into effect on 17 December 2003 and prohibits removal of asbestos from workplaces, other than by licensed removalists and in certain limited circumstances.

### ***Prevention of Falls from Height***

The *Occupational Health and Safety (Prevention of Falls) Regulations 2003* were made by the Executive Council on 14 October 2003 and came into effect on 31 March 2004. Two construction industry-specific codes of practice will also come into operation on the same date.

The objective of the Regulations is to prevent incidents at workplaces involving falls of more than 2 metres and to prevent or reduce injury resulting from those falls.

The delay between the making of the Regulations and their commencement has been provided to enable employers time to adopt preventative measures and to achieve compliance with the new law.

A proposed implementation program for the Regulations has been developed and includes a marketing campaign that alerts employers to the need to adopt preventative measures on or before the date the regulations becoming effective.

The marketing campaign was launched in November 2003. This was followed up by a combined press and radio campaign in early 2004 to generate better community and industry understanding of the dangers of working at height and raise awareness and understanding of the new Regulations. A brochure and internet information are available. A draft Information and Education Plan is on hold pending conclusion of revisions to the OHS Act.

### **OHS (Certification of Plant Users and Operators) Regulations**

The *Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994* were due to sunset on 26 July 2004 but have now been extended for 12 months to allow time for the completion of a review of the existing Regulations to identify issues concerning the operation of the current Regulations. The initial round of consultation with stakeholders has concluded.

In light of recent national developments and initial stakeholder consultations, WorkSafe Victoria has been considering options for the approach to reviewing the existing Regulations and the making of replacement Regulations.

### **Review of OHS (Noise) Regulations and Code of Practice**

The current *Occupational Health and Safety (Noise) Regulations 1992* expired on 31 January 2004. The proposed replacement Regulations - the *Occupational Health and Safety (Noise) Regulations 2004* - and a regulatory impact statement were released in October 2003 for a 30-day public comment period. Public comment closed on 24 November 2003. The updated regulations were endorsed by the Minister for WorkCover on 27 January 2004 and came into effect on 30 January 2004.

The primary objective of the replacement Noise Regulations is to ensure that the exposure of employees to noise in the workplace is controlled so as to reduce the incidence and severity of hearing loss resulting from excessive exposure to noise.

The replacement Noise Regulations continue to give effect to the national exposure standard of 85dB(A). The peak exposure standard has been changed from 140 dB(linear) to 140 dB(C) to ensure consistency with the national exposure standard.

A new code of practice is being developed to provide guidance on compliance with the new Noise Regulations. However this work has been deferred pending the completion of the NOHSC review of the national standard and code for noise. Victoria is committed to giving effect to any revised national standard for noise as soon as possible after the declaration of the national standard.

Notwithstanding its local review, WorkSafe Victoria supports the forthcoming national review of the National Standard for Occupational Noise and National Code of Practice for Noise Management and Protection of Hearing at Work in the 2004-05 financial year. WorkSafe Victoria is committed to giving effect to any revised National Standard for Noise in Victoria through local law as soon as possible after declaration of the national standard.

### **Amendment to the OHS (Mines) Regulations**

An amendment to the *Occupational Health and Safety (Mines) Regulations 2002* came into operation on 13 August 2004. The amendment clarifies and ensures that the use of sodium cyanide in gold mines is adequately covered by the Mines Regulations and not inadvertently captured by the *Occupational Health and Safety (Major Hazard Facilities) Regulations 2000*. This amendment was required to address an issue that had arisen because of an alteration to the characterisation of sodium cyanide. The alteration means that if a relatively small quantity of sodium cyanide is being used in a gold mine, that mine will be classified as a major hazard facility. It was considered inappropriate that the Major Hazard Facility Regulations regulate these gold mines, including small surface mines.

### **Plant Regulations**

WorkSafe Victoria has commenced a review of the *Occupational Health and Safety (Plant) Regulations 1995* and *Equipment (Public Safety) (General) Regulations 1995* which are due to sunset on 26 and 27 June 2005, respectively. This regulatory package has broad application – covering a vast range of plant and equipment used in workplaces or the public domain – and its review will therefore involve extensive stakeholder consultation.

## 6. Training priorities

WorkSafe's major internal training program for its prevention staff is the Inspector Capability project. This project includes assisting inspectors to achieve the Diploma of Government (Workplace Inspection) qualification. The project recognises that inspectors have a difficult role in what is often a challenging environment. Their role is a key one, which significantly contributes to the meeting of community expectations as well as the Authority's specific goals and objectives.

This project seeks to specifically address the:

- role of an inspector, and what makes a good inspector;
- selection and recruitment processes required to select appropriate inspectors;
- competencies required of an inspector;
- competency assessment of inspectors;
- procedures and protocols required to support inspector decision-making;
- effectiveness of current controls to support 'correct' decision-making;
- whether controls, competency requirements and procedures/protocols are operating as intended; and
- development of a plan to move forward, to enhance and then maintain inspector competence.

There are 3 phases to this project:

- **Phase 1 (to June 2003)**

Continuation of work already commenced and building the foundations for going forward, including development of strategies for consultation, communication and managing project risks (including an industrial relations strategy) as well as a detailed project plan.

- **Phase 2 (July 2003 – December 2005)**

Implementation of the project plan. It is expected that most inspectors will have successfully completed the Diploma by December 2005.

- **Phase 3 (June – December 2005)**

Evaluation of phases 1 and 2, and the incorporation of knowledge into an ongoing Inspector Capability program.

## 7. Research priorities

The Victorian WorkCover Authority is currently developing a strategic plan for the next five years and new research initiatives are expected to be identified as part of this strategic plan.

## 8. Other key activities

The Minister for WorkCover, the Hon Rob Hulls MP, announced on 29 October 2003 that WorkSafe Victoria will provide \$600 000 to enable the appointment, for 12 months, of Health and Safety Representative Support Officers to assist and support Health and Safety Representatives.

## 1. Scheme specific objectives

The Department of Industrial Relations administers the workplace health and safety program through its Division of Workplace Health and Safety, whose main objective is the promotion of socially responsible and safe industry practices; and the development of a regulatory, advisory and enforcement framework for workplace health and safety in Queensland. This aligns with the government's broader goals of providing safer and more supportive communities.

To support this objective, the Division of Workplace Health and Safety is responsible for:

- providing information and education;
- maintaining a workplace health and safety regulatory framework that meets the needs of industry and Government; and
- ensuring compliance within this regulatory framework.

### ***Workplace Health and Safety Act 1995***

The objective of the *Workplace Health and Safety Act 1995* is to prevent a person's death, injury or illness being caused by a workplace, work activities or specified high-risk plant.

This objective is achieved by preventing or minimising a person's exposure to the risk of death, injury or illness caused by a workplace, work activities or specified high-risk plant.

The Act does this by establishing a framework for preventing or minimising exposure to risk by:

- imposing obligations on certain persons;
- encouraging a risk management approach;
- establishing a compliance infrastructure; and
- providing enforcement options.

## 2. Future directions

Adopting the basic principles of the National Occupational Health and Safety Commission's *National OHS Strategy 2002–2012*, the *Queensland Workplace Health and Safety Strategy 2004–2012*, sets out a vision, priorities, goals and key actions for Queensland.

The Queensland Strategy will focus efforts to implement interventions to improve Queensland's workplace health and safety performance to foster sustainable, safe and healthy enterprises that prevent work-related death, injury and disease.

A component of the Queensland Strategy is the development and implementation of priority industry and injury strategic plans covering the following areas:

Priority Industries:

- Construction
- Manufacturing
- Health and community services
- Transport and storage
- And industries in the rural sector.

Injury strategic plans covering:

- Musculoskeletal disorders
- Slips, trips and falls
- Hitting, or being hit by objects

### 3. Prevention strategies

To meet the objective of preventing or minimising a person's exposure to the risk of death, injury or illness in the workplace, Queensland's prevention strategies focus on education, communication and stakeholder involvement. This is reflected in prevention activities such as:

- stakeholder involvement via the Workplace Health and Safety Board and Industry Sector Standing Committees;
- community engagement via industry/issue-specific government taskforces;
- seminar/awareness programs;
- issue/industry-specific publications; and
- SafetyZone - a complimentary quarterly newsletter providing information of new publications, advisory standards, seminars and workshops addressing workplace health and safety issues.

### 4. Enforcement strategies

The key principles underpinning Queensland's workplace health and safety enforcement efforts are:

- targeting - of high risk industries and situations;
- consistency - ensuring that similar circumstances at workplaces lead to similar enforcement outcomes;
- transparency - through communication of policies so that employees/employers have a better understanding of what is expected of them; and
- proportionality - enforcement action proportionate to the risks at the workplace and the seriousness of an injury.

When people fail to meet their obligations under the *Workplace Health and Safety Act 1995*, inspectors may use a range of compliance and enforcement options including:

- advice
- verbal directions
- improvement notices
- prohibition notices
- court order to secure compliance with notice
- seizure
- infringement notices
- prosecution

## 5. Regulatory reform

### ***Workplace Health and Safety Act 1995***

The *Workplace Health and Safety and Other Acts Amendment Act 2003* came into force in June 2003 amending the *Workplace Health and Safety Act 1995* to reflect contemporary workplace issues in Queensland.

These issues include:

- strengthening protections for workers' in atypical employment arrangements eg. contractors etc.;
- clarifying obligations on employers, self employed persons and persons conducting an undertaking to ensure public safety;
- strengthening safety obligations on designers, manufacturers and suppliers of buildings, plant and substances;
- strengthening the role of Workplace Health and Safety Officers and Representatives in ensuring safety in the workplace; and
- increasing fines associated with breaches of the Act.

### ***Workplace Harassment***

The Workplace Bullying Taskforce was established in June 2001 to examine and develop strategies to prevent bullying in the workplace. The aim of the taskforce was to examine the reasons behind bullying and to work with industry, employee groups and the community to develop prevention strategies. The taskforce comprised employer, community and union representatives.

The taskforce released an Issues Paper on 10 September 2001. As part of the consultation process the taskforce conducted free public forums around Queensland, to gather comment on the Issues Paper and workplace bullying generally. Over 500 submissions were received. The Taskforce analysed these comments and presented its recommendations in April 2002.

A Working Party was then established and tasked with the development of a workplace health and safety *Advisory Standard for the Prevention of Workplace Harassment*. A draft of this document was released for public comment in July 2003. The standard covers how to prevent and manage incidents of workplace harassment. The advisory standard was gazetted under the *Workplace Health and Safety Act 195* on 23 April 2004 and commenced on 1 June 2004.

### ***Construction***

The introduction of new regulatory reforms for the building and construction industry were introduced into the *Workplace Health and Safety Regulation 1997* in May 2002 and commenced on 1 September 2002. An intensive awareness campaign, which focused on public seminars across Queensland, was undertaken in June, July and August.

The introduction of the regulatory changes saw the implementation of the reforms recommended by the Building and Construction Industry (Workplace Health and Safety) Taskforce. These regulatory changes focused on high risk activities such as working at heights and excavations. They also outline requirements in relation to work method statements, construction workplace plans, protecting the public from falling objects, and site specific and general safety inductions.

With the significant increase of the tilt-up and pre-cast concrete construction method, Workplace Health and Safety Queensland developed a guide for tilt-up and pre-cast concrete construction in 2001. The Construction Industry Sector Standing Committee expressed a desire for this guide to be released as an Industry Code of Practice and this was achieved on 1 June 2003 when the Tilt-up and Pre-cast Concrete Construction Industry Code of Practice commenced.

This code of practice provides practical advice about ways to manage exposure to risks associated with the erection and installation of tilt-up and pre-cast concrete panels and elements on construction sites in Queensland.

### ***Amenities***

New amenities provisions for the construction industry and the rural industry have been introduced into the *Workplace Health and Safety Regulation 1997* and commenced in September 2002. Amenities requirements for other workplaces are still in the drafting stage.

### ***Underwater Diving***

Regulatory provisions and an industry code of practice are being developed for Occupational Diving. These provisions will place requirements on all occupational divers to ensure common diving safety issues are addressed, such as monitoring diver competence, conducting risk assessments, keeping dive safety logs, providing dive site briefs and taking appropriate precautions when diving from moving vessels.

## **6. Training priorities**

### ***Inspector Training and Development***

Workplace Health and Safety (WHS) Queensland has implemented the Diploma of Government (Workplace Inspection) utilising an assessment tool that will enable their current staff to Recognition of Prior Learning (RPL) through the units. The RPL process has now been implemented and WHS Queensland has 160 Inspector staff enrolled in the Diploma. Each Regional Office has been visited and staff have been given the opportunity to enrol, learn about the RPL process, understand the types of evidence that are required and the work that is involved in completing the assessment process.

The general response to the Diploma has been very positive due to the assessment criteria structure, the support given to each Inspector during the RPL process and in particular the commitment of managers within regional offices who have encouraged staff to work on their assessment document. Three inspectors have completed the Diploma and were presented with their award by the Director-General in December 2003.

### ***Technical Training for WHS Queensland Inspectors***

#### ***20-Week Induction Program:***

The March 2003 intake of inspectors completed their induction program comprising of seven weeks classroom study and field placement activities under the guidance of a mentor from a regional office. The next intake of inspectors occurred in May 2004.

#### ***Investigations:***

A two-week investigation course was delivered to all WHS Queensland inspectors between February and May 2003. A one-week advanced course was delivered from April-July 2003 to those inspectors undertaking advanced inspections. All new inspectors undertake the investigations course in their induction program.

#### ***Other Technical Areas:***

An Occupational Health Seminar Series has been conducted over a three-day period. Topics covered include:

- basic scaffolding
- workplace diving-snorkelling
- mobile tower cranes

- rural mobile plant
- dangerous goods authorised officers training
- biological hazards

## **7. Research priorities**

Queensland will analyse available data to determine black spots which will become the focus of policy, education and compliance initiatives.

## **8. Other key activities**

### *Safety Week*

This week aims to promote and increase awareness throughout Queensland of the importance of creating safe and healthy workplaces. The Department of Industrial Relations organises and coordinates the week's activities and events through WHS Queensland and the regional office network. Events have included mini expos, information seminars, information booths, industry breakfasts, displays, toolbox talks, poster and colouring-in competitions, workshops and other industry organised events.

# Western Australia

## 1. Scheme specific objectives

The WorkSafe Division of the Department of Consumer and Employment Protection administers the *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996*. The role of WorkSafe is to continuously promote and improve safety and health in Western Australian workplaces. WorkSafe's main goal aligns with the *National OHS Strategy 2002–2012* – that Western Australian workplaces are free from death, injury and disease. Key objectives of WorkSafe include enhancing the capability of the community, enhancing the regulatory environment, and enforcing the law.

WorkSafe is working towards achieving these objectives by undertaking activities such as:

- encouraging the development of partnerships;
- identifying emerging issues and trends, and developing appropriate information and educational responses;
- using evidence to guide preventative strategies;
- implementing national strategies and contributing to achieving national targets;
- reviewing and amending the regulatory framework;
- co-ordinating the administration of the regulatory framework across the WorkSafe Division, with particular emphasis on simplifying and streamlining compliance requirements for our customers;
- administering and enforcing the legislation in a firm, fair, equitable and consistent manner;
- targeting strategic monitoring and enforcement programs with an emphasis on identified priority areas; and
- ensuring compliance staff are skilled and motivated.

## 2. Future directions

In 2004 WorkSafe is:

- implementing the recommendations of the statutory review of the *Occupational Safety and Health Act 1984*. Amendments to the primary legislation were introduced into the Western Australian Parliament in Autumn 2004;
- contributing to a review of certification and licensing arrangements [NOHSC 1006 and 7019] to ensure the system remains robust;
- reviewing requirements for training of safety and health representatives to facilitate the likely introduction of powers enabling appropriately trained safety and health representatives to issue Provisional Improvement Notices (as an outcome of the statutory review of the *Occupational Safety and Health Act 1984*);
- recruiting inspectors in line with the State Government's pledge of \$6.6 million over four years to fund 20 new inspector positions as part of its commitment to occupational safety and health in the State;
- actively contributing to meeting targets established under the *National OHS Strategy 2002–2012*;
- engaging key industry stakeholders through a series of forums/summits in priority industries, specifically aged care, agriculture and the public sector;
- completing a compliance and information strategy to underpin the nationally agreed ban on chrysotile (white) asbestos and other forms of asbestos that took effect on 31 December 2003;

- initiating education and enforcement activity to support new regulatory requirements in the commercial vehicle, crane and construction sectors;
- influencing government purchasing policies to include occupational safety and health considerations. The 'Government Leading the Way' strategy includes a major focus on fleet safety across the State Government vehicle fleet;
- providing advice on the International Labour Organisation safety and health conventions; and
- continuing to promote trade in occupational safety and health services and products by supporting a network of providers and developing supportive government-to-government links, aimed at demonstrating the State's ability to deliver certain services and organising overseas missions and hosting delegations from the Asian and Indian Ocean regions.

### 3. Prevention strategies

To assist employers and employees to know their rights and responsibilities regarding occupational safety and health, Western Australia:

- Conducted the 2004 ThinkSafe campaign with a television and radio campaign, which aimed at motivating employers, particularly those in small business, to better manage occupational safety and health hazards (included a mail out to 20 000 small, medium sized businesses).

The campaign supported six of WorkSafe's priority areas for reducing workplace injuries and disease. These are:

- chemicals and harmful substances;
  - electricity;
  - manual handling - lifting;
  - new and young workers';
  - slips and trips; and
  - working at heights.
- Carried out forums in Perth and regional areas, targeting managers, supervisors, safety officers, safety and health representatives and professionals, regarding topics such as the impact of extended working hours, skills development, the role of safety and health representatives and enforcement of the law.
  - Distributed, in conjunction with the promotion of the 1800 Hazard hotline, a general publication on managing common workplace hazards.
  - Commenced ongoing discussions with the WA Institute of Architects about the importance of safe design. Production of guidance material on safe design aimed at architects, engineers and designers will commence in 2004.
  - Met with industry based advisory committees in the key areas of Aged Care, Construction and Agriculture on several occasions throughout 2003–04 to discuss the development and implementation of practical, focussed prevention initiatives.

One of the major prevention strategies for Western Australia is the education of the community, at all levels, on workplace health and safety issues. Current educational strategies include:

- The WorkSafe Plan – an occupational safety and health management systems assessment framework, which is a key 'educational' tool for achieving behavioural change in Western Australian workplaces. By encouraging and recognising good safety and health management performance, the WorkSafe Plan focuses on encouraging prevention 'activity' rather than on responding to injuries. In 2003, the WorkSafe Plan was revised and republished.
- WorkSafe Smart Move - an Internet package which introduces Years 10, 11 and 12 students who are undertaking work experience placement to important occupational safety and health information before they enter the workforce. The application provides online

interactive self-assessment tests. Almost all students undertaking work experience do the WorkSafe Smart Move program.

- The ThinkSafe Club (and Safety in Schools Week) - these are major occupational safety and health promotional campaigns aimed at primary school age children. The ThinkSafe Club is currently being revamped.
- The SafetyLine Institute - an online education facility which provides access to lectures on a wide range of relevant topics and caters for formal and private studies. It will be refocussed to support competency-based occupational safety and health education and training.
- The development of information products and their provision to the public through:
  - SafetyLine:Online on the internet;
  - SafetyLine magazine;
  - an authoritative and comprehensive library service;
  - media liaison service;
  - printed products;
  - talks and presentations; and
  - the duty phone.

#### 4. Enforcement policies

In 2002–03 WorkSafe refined its approach to enforcement activities. This new approach gives early consideration to identifying desirable outcomes and adoption of a strategic approach to achieving these outcomes. Inspections and prosecutions will focus on proactive targeting of industries based on the presence of priority area hazards rather than the earlier focus on injury data and complaints.

Based on the above guidelines, enforcement drives were conducted in relation to concrete panel construction (tilt-up), construction industry crane operations and forklift use at Perth's major metropolitan market.

The 2001–02 statutory review of the *Occupational Safety and Health Act 1984* (which is required every five years) resulted in significant recommendations for legislative change and amendments.

The Western Australian Government accepted the majority of the recommendations and changes, which include increased monetary penalties along with alternative non-monetary sanctions, increased recognition and powers for safety and health representatives and the introduction of an OSH Tribunal (under the auspices of the WA Industrial Relations Commission). These changes were introduced to Parliament in the Autumn 2004 session.

##### **Monetary Penalties**

New offences will be introduced for a breach of the general duty of care involving gross negligence and resulting in death or serious injury or harm. An individual employer would face a maximum penalty of \$250 000 or two years imprisonment or both for a first offence, and \$312 500 or two years imprisonment or both for a second offence. A corporate employer would face a maximum \$500 000 for a first offence and \$625 000 for the second and an employee \$25 000 for the first offence and \$31 250 for the second offence.

Penalties will be introduced for subsequent offences (1.25 times first offence - monetary penalties only) for all offences.

##### **Non-monetary Penalties**

A significant change will be the introduction of non-monetary penalties in the form of enforceable undertakings. Under these proposals, the court will have the discretion to make an order allowing the offender to elect either to pay the monetary penalty, or enter into an undertaking with the WorkSafe Western Australia Commissioner to undertake specified action. This might include taking

steps to improve occupational safety and health in a particular context, and/or remedying or publicising details of the offence or punishment imposed.

### **Other initiatives**

Other initiatives include:

- introduction of provisional improvement notices;
- expansion of the general duties of care to make it applicable to all types of workplace arrangements; and
- simplification of the election process for safety and health representatives.

## **5. Regulatory reform**

The Western Australian occupational safety and health regulatory requirements are reviewed continuously through the Commission's tripartite forum. The identification of the need for the development of codes of practice and guidance notes is based on prioritising competing needs, and broad acknowledgement that a regulation or legislative requirement may require supporting material.

Recent regulatory reforms include:

- regulatory changes to strengthen safety requirements for the operation of cranes on building and construction sites were introduced on 3 October 2003 while Regulations and a code of practice for tilt-up panel construction techniques have been finalised.
- regulations that came into effect on 3 October 2003 for elevated work platforms and hoists, particularly in relation to the fruit growing industry.
- regulations to give effect to the national ban on chrysotile asbestos came into force on 1 January 2004 to complement the 31 December 2003 national phase out date.
- regulations that came into effect on 1 July 2003 for fatigue management in the commercial vehicle industry with a supporting code of practice published in 2004.

WorkSafe is also progressing recommendations for amendments to the *Occupational Safety and Health Regulations 1996* to make mandatory induction training compulsory for all new workers in the Construction Industry.

## **6. Training priorities**

The introduction of nationally agreed workplace inspector competencies and the training of occupational safety and health inspectors using training aligned to the nationally agreed competencies occurred during 2002–03.

Competencies had been developed for the Diploma in Government (Workplace Inspection) with a view to these competencies forming a basis for the training, development and assessment of all workplace occupational safety and health inspectors. Funding for the development of the competencies came from the National Occupational Health and Safety Commission.

The competencies were nationally endorsed in March 2002, and all occupational safety and health inspectorate jurisdictions in other States and Territories, as well as New Zealand, are intending to use the inspector competencies for the development of their inspectors.

Subsequent to this and in consultation with WorkSafe inspectors, the competencies are being used to underpin the criteria progression system which is now in operation in the WorkSafe inspectorate. After the Government's commitment to increase WorkSafe's enforcement capability by 20 inspectors over three years, 8 inspectors recruited in 2003 have completed the intensive training

and induction program. The inspectors have been allocated to the areas of highest risk, with a significant number being assigned to the construction area. One inspector has commenced in a regional centre. Six new recruits commenced in July 2004 with further advertisements planned for early 2005.

## **7. Research priorities**

Though Western Australia's membership of NOHSC, Worksafe believes Western Australia is best served by supporting national progression of activity detailed in NOHSC's National OHS Research Action Plan.

# South Australia

Workplace Services and WorkCover Corporation operate in partnership on many activities to ensure that all South Australians benefit through safe work.

## 1. Scheme specific objectives

### **Workplace Services**

Workplace Services is the South Australian Government's operational arm for administration and enforcement of the *Occupational Health Safety and Welfare (OHSW) Act 1986*. It has a multidisciplinary Inspectorate based in Adelaide and at five major regional centres in South Australia. The OHSW Ministerial Advisory Committee serves to provide advice to the Government of South Australia in prevention strategies which encourage '*safe, fair, productive workplaces; with high standards of public safety*'. The tri-partite nature of this Committee provides opportunities to engage industry, employee groups and government agencies in partnerships in order to target specific industry needs.

Workplace Services has, for the year 2004, four strategic goals:

- Goal 1** To meet government policy expectations to achieve an improved legislative base for occupational health and safety, public safety and industrial relations, and deliver the administrative reforms required by new legislation.
- Goal 2** To meet government policy expectations concerning the restoration of credible OHS inspectorate services and delivery of industrial relations initiatives to improve business productivity and working life in South Australia.
- Goal 3** To assist industry to achieve a 20% reduction in workplace fatalities and a 40% reduction in workplace injuries over the 10 years to 30 June 2012 and improved industrial relations, through delivery of strategic OHS, public safety and industrial relations services.
- Goal 4** To facilitate South Australia's contribution to the achievement of the goals of the *National OHS Strategy 2002–2012*.

### **WorkCover Corporation**

WorkCover is taking an active role in meeting South Australia's strategic goal of achieving safe workplaces through:

- contributing to the State's safe work strategy;
- providing incentives to employers to engage in safe work practices through the workers' compensation scheme;
- supporting the efforts of Workplace Services; and
- delivering safe work messages and products through a range of channels to our customers.

## 2. Future directions

### **OHS Legislation Reform Initiatives**

The South Australian Government appointed Mr. Brian Stanley to oversee a review of the *Occupational Health, Safety and Welfare Act 1986* and *Regulations 1995*, and its administration in South Australia.

The key recommendation of the Stanley Review is to remove the duplication caused by the split of responsibilities for OHS between Workplace Services and WorkCover. The South Australian Government has initiated legislative reform by means of the *Occupational Health, Safety and*

*Welfare (SafeWork SA) Amendment Bill 2003*. The Bill, which is currently being considered in the South Australian Parliament, provides for amendments as follows:

- Workplace Services and the occupational health and safety functions located at WorkCover will be amalgamated into one location, that is to Workplace Services which will be renamed SafeWork SA.
- the existing Occupational Health, Safety and Welfare Advisory Committee, a tripartite body, will be modified to create the SafeWork SA Authority (the Authority). The main role of the Authority will be to provide advice about OHS policy and the strategy and operations of SafeWork SA to the Minister for Industrial Relations. This will be the forum for consultation, research and advice. The Authority will work in partnership with SafeWork SA for targeting and education campaigns and be supported by SafeWork SA.
- a balanced package of training requirements;
- ensuring that government departments can be prosecuted for OHS offences;
- the introduction of non-pecuniary penalties for OHS offences;
- the implementation of an expiation notice regime; and
- mediation and conciliation of workplace bullying complaints by the Industrial Relations Commission of SA in certain circumstances.

### ***Increase of the Inspectorate***

Workplace Services has undertaken extensive reforms, some of which are described below. The focus for the new direction is on ensuring a balanced range of services are available – from providing information and assistance, through to compliance and enforcement activities.

Based on the belief that the inspectorate needs to have the resources necessary to meet the challenge of making substantial and long lasting health and safety improvements, the South Australian Government has increased Inspectorate resources to enable South Australian enforcement to be reasonably comparable to interstate counterparts. This includes a significant increase in technical and scientific staff as well as general occupational health and safety inspectors.

There has also been a renewal of the technical and scientific capacity of our inspectorate which is vital to providing a level of advice and assistance that people in workplaces expect. The inspectorate also provides the technical expertise needed to allow a proactive approach in identifying emerging hazards.

### ***Establishment of a Compliance and Investigation Unit***

To enable Workplace Services to better manage the overall investigation process, a compliance and investigation unit has been established. This unit will ensure that major investigations are handled efficiently and that systems are in place to improve investigation practices and processes.

Workplace Services has employed three solicitors and established a dedicated Investigations Unit. A Principal Legal Coordinator at Workplace Services is a first for the organisation, which has lacked in-house legal expertise to assist Inspectors with complex investigations, as well as provide assistance in legal and evidentiary questions and improve the quality of investigative briefs.

The establishment of this unit has enabled the introduction of a new Case Conferencing system to better manage investigations. This system enables Workplace Services to manage and progress the entire prosecution process in the most efficient manner. The Case Conferencing system has enhanced investigation and audit processes and outcomes and those resources are now utilised more effectively.

### ***Establishment of a Major Hazards Facilities Unit***

The SA Government is committed to introducing legislation for the control of major hazard facilities in South Australia, which supports an approach that is nationally consistent and adopts the principles of the *National Standard for the Control of Major Hazard Facilities*.

The Major Hazard Facilities Unit's role is to:

- receive licence applications and determine their status as a major hazard facility;
- receive and review reports of major incidents at major hazard facilities;
- cooperate with other relevant public authorities;
- provide advice to Government on the status of safety at major hazard facilities;
- receive, assess and verify an operator's safety case;
- inspect, audit and monitor performance;
- provide legislative advice to interested parties; and
- facilitate the existing inter-agency committee to oversee the proposed dangerous goods legislation for major hazard facilities and other associated state legislation.

A performance unit has been established to monitor and report on OHS outcomes and to enable the agency to contribute effectively to national performance monitoring initiatives.

### **3. Prevention strategies**

#### ***Industry or Hazard Specific Activities***

In line with the *National OHS Strategy 2002–2012*, South Australia is concentrating efforts aimed at the prevention of fatalities and injuries in the priority industries of:

- manufacturing;
- construction;
- transport and storage; and
- health and community services.

In particular, there is a focus on injuries caused by:

- slips; trips and falls;
- hitting and being hit by objects; and
- body stressing.

In the manufacturing industry, Workplace Services has implemented a targeted compliance program relating to high-risk power press use. This program is aimed at achieving a reduction in amputation and crush type injuries.

In relation to the construction industry, Workplace Services is participating in the National Construction Reference group, which is reviewing national industry standards to address high-risk activities such as working at heights, demolition and pre-cast and tilt-up construction. This review has included consideration of existing national and international regulations, standards, codes of practice and guidance material.

South Australia also has in place a targeted industry program covering local compliance issues related to:

- working at heights;
- scaffolding;
- electrical hazards;
- plant safety; and
- general hazards.

South Australia is also working with the National Road Transport Council to develop a code of practice designed to systematically manage the issues associated with fatigue experienced by drivers.

A targeted compliance program has also been implemented relating to high-risk transport operations associated with:

- pneumatic loaders;
- livestock carriers;
- vehicle carriers; and
- bulk tankers.

Workplace Services have initiated strategic programs with key stakeholders in a number of areas. These programs are aimed at ensuring there is strong cooperation between Workplace Services and a range of stakeholders and were all undertaken in partnership with specific industries. These programs, as outlined below, may relate to an industry, a particular hazard area, or some other identified risk worthy of consideration in collaboration with appropriate industry groups. The programs are:

- *Workplace Bullying* – A review of guidance material to promote improved practices related to workplace bullying. This will be developed to encourage wide community participation and includes the Working Women’s Centre SA Inc, Equal Opportunities Commission, WorkCover, and other business and industry groups.
- *Grape Growers* – Workplace Services are running an ongoing audit program in collaboration with grape growers. Over 120 grape growers have been audited throughout South Australia during the 2002–03 financial year.
- *Mines and Quarry Industry* – Ten pilot audits were conducted utilising an audit tool developed in consultation with industry stakeholders.
- *‘Aquasafe’ Project* – This project is a partnership developed between Workplace Services and the new and rapidly expanding Aquaculture Industry to identify and address industry specific hazards.
- *Meat Processing Industry* – Due to the injury frequency rate for meat processors, a targeted intervention program was developed for this industry. It also complements the SAfer Industry project being coordinated by WorkCover.
- *Electrical Safety Intervention Strategy* - Too many deaths and serious injuries occur in South Australia due to electrical malfunctions. This usually occurs due to poorly maintained equipment or appliances not used in accordance with manufacturers instructions. Therefore, electrical equipment has been identified for a priority targeted compliance program for 2003 to 2004. Workplace Services officers are being assisted by officers from the Office of the Technical Regulator in the program. This is an excellent example of using cross government partnerships to ensure a comprehensive approach to ensuring safety outcomes within industry.
- *The Major Workplace Hazards Strategy* – Due to the success of earlier programs, ongoing programs to address six major workplace hazards: working at heights, chemical use, manual handling, machine guarding, electrical and load shifting continues. This is an integrated initiative which focuses on each hazard for a short period of time through activities including distribution of hazard-specific information accompanied by inspectorate visits and audits.
- *WorkCover Corporation’s SAfer Industries Program* - Works with ten industries who are responsible for over 40% of workers’ compensation claims costs and numbers in South Australia. Working in partnership with these industries, the program uses committees of industry representatives to identify, develop and implement industry specific strategies to improve their safe work practices.

### ***Information, Advisory, Promotion, Media and Communication Strategies***

Workplace Services and WorkCover Corporation develop in partnership marketing strategies and communication products that promote Occupational Health, Safety and Welfare initiatives.

#### *Joint initiatives*

- The 2004 SafeWork Week and Awards project. This is designed to promote OHS responsibilities in the workplace in order to reduce the incidence of injuries and fatalities. It is a joint initiative between Workplace Services, WorkCover, Business SA and the United Trades and Labour Council.
- The translation of safe work-related information into different languages. This is being undertaken collaboratively between WorkCover and other State Government agencies, employee and employer groups.
- Client community profiles used in formulating strategies to ensure the maximum 'message' reaches the target audience. These are promoted through opportunities such as ethnic festivals, regional field days and other activities that engage local communities.

#### *Workplace Services initiatives.*

- Working in partnership with the Local Government Association, an asbestos awareness-raising program has commenced with a number of local government areas. Based on predominantly health and safety regulations as they relate to residential buildings, Inspectors are visiting different council areas to provide information to wide-ranging groups and people interested in asbestos regulation.
- Due to the success of the Major Workplace Hazards Project, which addresses South Australia's six significant occupational health and safety hazards: Working at Heights, Chemical Use, Manual Handling, Machine Guarding, Electrical and Load Shifting, ongoing campaigns continue. This program aims to increase hazard awareness and improve compliance. Inspectors have been trained to conduct an audit program in tandem with the promotion of the publications. The Load Shifting products are currently being reviewed to take account of industry feedback.
- An Occupational Health, Safety and Welfare CD-ROM is being developed by Workplace Services to expand the accessibility of small to medium sized businesses to a generic risk assessment tool and other relevant information on major workplace hazards. The CD-ROM is based on initial work undertaken by the Queensland Department of Industrial Relations and will feature the hazards addressed in the Major Workplace Hazards Project, as well as Noise and the Workplace Environment.
- New Employers – A strategy to ensure the information provided to new employers is appropriate to their needs. This included surveying 500 new employers to identify their level of knowledge on industrial relations and occupational health and safety. Relevant information was then prepared and distributed to fill in gaps and improve knowledge.
- Increased Media Presence – To raise the profile of occupational health and safety, the South Australian Government has actively encouraged greater exposure of workplace health and safety issues in the public domain. This forms part of an educative and informative communications campaign to increase public awareness of occupational health and safety and the tragic consequences of workplace injury and death on South Australian workers', their families, and businesses.

#### *WorkCover Corporation initiatives.*

- The future workers' of South Australia are being educated on good safety and health practices in the workplace through WorkCover's Safe Schools Program and its internet based safety learning website. The website, accessed via WorkCover's homepage, provides learning in a style purposely designed and targeted at students. The site also provides students with access to the 'get certified' pages which have been recognised by the SA Education Department as a component of student's work experience training. Activities include 'spot-the-hazard' games in the virtual office, the virtual kitchen and the virtual supermarket. Future developments for the program include a CD-Rom based

teaching resource for schools addressing the issue of preparing students for work experience placements.

- WorkCover also produces a broad range of education and information material for targeted industries on hazards and other safe work issues. These are promoted and distributed through a range of customer channels such as the intranet, direct mail and phone.
- Another incentive scheme developed and administered by WorkCover is the Supplementary Levy Program, which uses legislative powers to impose supplementary levies on poor performing employers. Targeted employers meeting objective criteria are given the option of accepting the free assistance of a WorkCover consultant to implement a hazard management program, or a supplementary levy of between 20% and 50% is imposed. Employers may also implement a hazard management program with the assistance of a private OHS consultant of their choice, at their own expense.
- The SafeWork Incentive (SWI) is a new program from WorkCover Corporation which links employers' workers' compensation levy rates with the implementation of safe work practices in their workplaces. SWI provides employers with access to bonuses by awarding points for the implementation of safe work strategies in the workplace. This changes the emphasis of the bonus system from past claims performance to incentives for implementing safe work practices. Participation in SWI is optional.

SWI provides employers with a range of safe work activities to be completed annually. Each of these activities are allocated 'SafeWork Points' according to the level of impact they have on workplace safety. When a business has achieved 100 SafeWork Points they will be eligible to receive a bonus depending on their actual claims experience. Again, depending on their actual claims experience, penalties may also still apply. Each year businesses will be allocated a program of safe work activities designed for their industry and business size. There will be a range of compulsory and optional activities that employers can choose to complete to accrue their 100 SafeWork Points. These activities combine legislative requirements with processes that are internationally proven to reduce workplace injury and illness. WorkCover assists employers by providing access to the knowledge and tools to meet their safe work goals. This will include a step-by-step coaching program to help employers and workers':

- understand the major causes of injury and illness in their industry and workplace;
- understand the real cost of workplace injury and illness;
- put simple and effective systems in place;
- allocate responsibilities to assist in developing safe work practices; and
- identify training requirements.

SWI is available in a secure, personalised format via WorkCover Corporation's website at [www.workcover.com](http://www.workcover.com).

## 4. Enforcement strategies

### ***National OHS Strategy 2002–2012***

Targeted compliance and intervention programs which complement the *National OHS Strategy 2002–2012* are an integral part of the daily operations of Workplace Services. These programs are aimed at reducing the high incidence and severity of risks in four key priority industries:

1. manufacturing;
2. construction;
3. transport and storage; and
4. health and community services.

## 1. Manufacturing

### *Plant Safety Intervention Strategy*

A Power Press Blitz Audit Program and Spray Painting Audit Program will be run throughout 2004. Although these audits are specifically focused on unsafe power press use or spray painting, the teams will also identify and resolve any breaches of Occupational Health Safety and Welfare legislation found on sites.

## 2. Construction

### *Scaffold Safety Intervention Strategy*

The use of unsafe scaffolding in the construction industry is wide spread and this is evident by the number of prohibition notices issued by Workplace Services Inspectors in recent times. Falls from heights continue to be a major occupational, health, safety and welfare issue across South Australian workplaces. The scaffolding project represents a significant component in an overall strategy aimed at dealing with this hazard and reducing workplace injury and death in South Australia. The objective of the audit program was to improve workplace health and safety performance and compliance with the Occupational Health and Safety and Welfare legislation of South Australia. For this reason, although the focus of the strategy related to unsafe scaffold use, any breaches of legislation identified by the audit teams visiting sites are also resolved.

### *Future Targeted Intervention Strategies Identified Within the Building and Construction Industry*

Other areas causing significant hazards for South Australian construction workers' have been identified. Strategies are being developed by Workplace Services to ensure that the momentum created by current improvements is not lost. These strategies are in the areas of:

- steel erection;
- multi-storey construction; and
- form work.

## 3. Transport and Storage

### *Road Transport Intervention Strategy*

The road transport intervention strategy has been developed to focus on the following areas:

- car carriers
- bulk tankers
- pneumatic bulk loaders
- livestock transporters
- transport of dangerous goods (especially in relation to truck stops)

## 4. Health and Community Services

South Australia is participating in the National Compliance Campaign for Manual Handling in the Health and Community Services sector. This project focuses on gaining improvements in manual handling management through provision of information and audit of practices, with an emphasis on use of design controls.

In addition, Workplace Services will participate in a State-wide strategy to develop specific strategies in relation to workplace exposure to environmental tobacco smoke.

## **5. Regulatory reform**

The South Australian Government has initiated regulatory reform in a number of areas. Further changes will be considered once the new structure has been established following the passing of the *SafeWork SA Amendment Bill*. These changes will be incorporated into a general review, which includes consequential amendments to the Regulations related to the *SafeWork SA Amendment Bill*, and those that have already been identified by the Stanley Review and Workplace Services.

Proposed regulatory reform at this point in time are:

- Workplace Services and the Department of Primary Industry and Resources, South Australia (PIRSA) are facilitating industry discussions to develop a National Mine Safety Framework Implementation Plan.
- Workplace Services is actively involved in the review and revision of:
  - the National Standard and Code of Practice for Manual Handling;
  - a revised edition of the National Standard and Code of Practice for Noise;
  - the National Certification Standard for Users and Operators of Industrial Equipment for Plant;
  - First Aid Regulations;
  - Major Hazard Facilities;
  - Asbestos Regulations; and
  - Amusement Structure Regulations.
- Revision of the National Model Regulations for Control of Workplace Hazardous Substances in line with the Review of the Hazardous Substances Regulatory Framework.
- In line with a nation-wide strategy to ban the use of chrysotile asbestos, the Regulations in South Australia were amended to prohibit its use as of 1 January 2004. Specific compliance strategies have been developed and the regulations promote processes for its safe removal.
- Other Harmonisation with National Standards:
  - SA is adopting the national noise standards of 85 dB(A). Also being considered are noise measures for peaks, and not just eight-hour averages; and the introduction of an audiometric testing program for employees likely to be exposed to noise exposure levels in excess of the exposure standard or high peak values;
  - ventilation, vibration, heat and biohazards;
  - lead; and
  - chemicals and carcinogens.

## 6. Training priorities

Workplace Services has undertaken training of its inspectors designed to provide the underpinning skills and knowledge to meet the National Inspector qualifications. Training has also been provided to address identified needs such as advanced investigation and case management and the use of information technology.

South Australia is also leading a national skills development program in conjunction with the ACTU.

Workplace Services has also developed a course to assist the farming community to control vermin and improve arable land.

## 7. Research priorities

Workplace Services have identified the following priorities for South Australia and are participating in:

- a study on the effects of fatigue on safety and performance in the short-haul, light trucking industry;
- a NOHSC study to address fatigue by collecting and examining data on fatigue with a focus on the priority industries in the *National OHS Strategy 2002–2012*; and
- a NOHSC program for development of target areas.

## 8. Other key activities

WorkCover's Grants Scheme is an important avenue for providing broad benefits to the working community of South Australia by subsidising the cost of initiatives that improve Occupational

Health, Safety and Welfare in South Australia and/or result in improved Rehabilitation and Safe Return to Work outcomes leading to reductions in the human and financial costs of workplace injury. Since 1988 the scheme has provided in excess of \$9 million in funding for these projects.

The Grants Program provides organisations with funding to kick-start their projects, encourages them to work with others in their industry or occupation to solve problems and share the results with others in the South Australian workforce, including their competitors. Grants Management encourages financial contributions and in-kind support from project stakeholders.

Priority areas for the scheme include national priorities identified by NOSHC, state and regional priorities identified by the State Government and stakeholders and issues of high risk as identified through statistics and emerging trends.

More information on the Grants Scheme and the wide variety of projects funded since 1988 are available from the WorkCover website [www.workcover.com](http://www.workcover.com)- look for 'apply for a grant' under WorkCover Corporate Information.

## 1. Scheme specific objectives

The Department of Infrastructure, Energy and Resources (DIER) brings together the significant infrastructure activities of the Tasmanian Government and provides the foundations for fostering Tasmania's economic development whilst ensuring the safety and quality of life for all Tasmanians.

The purpose of the Department is to:

- support the existing commercial and social infrastructure; and
- facilitate new development that will enable Tasmania to prosper.

The Divisional Plan sets the direction, strategies and actions for the Division of Workplace Standards Tasmania to operate as an integral part of DIER for the 2004–05 financial year.

Workplace Standards is part of the Regulatory Group within the department. The other divisions that make up this Group are the divisions of Land Transport Safety, Racing Services Tasmania, and the Forests Practices Board.

The planning framework within which the Divisional Plan has been prepared encompasses:

- the Department of Infrastructure, Energy and Resources (DIER) as the parent Department;
- Workplace Standards Tasmania (WST) as a Division of DIER;
- WorkCover Tasmania; and
- the Branches of Workplace Standards Tasmania: Policy Planning & Services and the Inspectorate.

### *Outputs and Outcomes of Workplace Standards Tasmania*

<b>Outputs – the main functions that we perform</b>	<b>Outcomes – what we aim to achieve for the community</b>
Accreditation	Maintaining appropriate standards that reflect community needs to minimise risk.
Community Awareness	Community understanding and acceptance of legislation, standards and codes. Motivation of community involvement and action. Appropriate behaviour that meets expectations for better performance and improvements in standards and safety.
Facilitating Compliance	Community meets the requirements of relevant legislation. Reinforcement and confirmation of appropriate attitudes and behaviour. Identification and correction of inappropriate attitudes and behaviour.
Policy, Legislation and Standards	A strategic, consistent and contemporary policy framework that: <ul style="list-style-type: none"> <li>▪ meets community expectations as expressed in government policy;</li> </ul>

	<ul style="list-style-type: none"> <li>▪ meets the requirements of good regulatory principles and processes of collaboration and consultation, and</li> <li>▪ allows for the smooth administration of the business of Government.</li> </ul>
Stakeholder Relations	Empowerment of stakeholder groups and their members through involvement in the regulatory processes.
Managing for Improved Performance	A dynamic, accountable and performance orientated organisation that adds value to the Tasmanian community.

## 2. Future directions

Our major priorities for the period 2004–05 are to:

- implement the government's direction on the review of the Tasmanian Workers' Rehabilitation and Compensation System;
- develop and implement new dangerous goods legislation to meet national regulatory commitments;
- implement an integrated system of occupational licensing;
- develop a system that protects physical infrastructure from electrolytic damage; and
- target improvement of occupational health and safety performance throughout the state service.

## 3. Prevention strategies

Since the introduction of the *It's working - Workplace Safe* education campaign in 1996, approximately \$7 million has been spent in reducing the incidence of workplace injury and illness in Tasmania. During this time there has been a 38 per cent reduction in the number of workers' compensation claims. This reduction in claims since the campaign began equates to direct cost savings of \$58 million and indirect savings of \$231 million (indirect costs being those associated with business interruption, staff replacement, retraining and lost productivity).

While the campaign cannot claim all the credit for this reduction - in the same period there has been legislative change, inspectorate activity and initiatives by peak bodies - market research shows that the campaign has been a significant factor. Through its various stages, the *Workplace Safe* campaign has been highly effective in raising awareness of workplace health and safety to facilitate behavioural change, including breaking through the complacency that exists in the community in relation to workplace health and safety.

The most recent phase of the campaign was launched in August 2003. The *'It's working - Workplace Safe'* aims to change workplace behaviour so that Tasmanians are safer at work by:

1. expecting that they will not be injured or become ill as a result of their work;
2. inspiring workers' to speak up where health and safety is not working; and
3. ensuring employers understand that they are required by law to provide a safe and healthy work environment, and that employers who do not work within the law risk prosecution and public exposure.

The campaign targets all employers and workers' in Tasmania, but particularly those in small to medium sized enterprises and in 'black spot' occupations. *'It's working - Workplace Safe'* is

spearheaded by a media campaign. This is accompanied by a range of initiatives being undertaken by Government and through the Workplace Standards Inspectorate to enforce health and safety legislation and educate on health and safety practices, particularly in high risk industries.

*Workplace Safe Week*, conducted during October 2003, focused on the occupational health and safety hazards of stress, bullying, alcohol and other drugs. Well attended public seminars were conducted in regional centers (Burnie, Launceston and Hobart). The publication, '*Hidden Hazards: Stress, Bullying and Alcohol and other Drugs*' was launched at the commencement of Workplace Safe Week in Launceston. Evaluation of the seminars indicated that they were well received and feedback on the quality of the publication has been very positive.

In operation since 1996, the WST Helpline has taken about 60,000 calls annually on the 1300 number. The Helpline Inspectors provide immediate and accurate information, advice and assistance to both phone and email requests. In cases that require more research or investigation, the caller may be referred to other parts of the Division. A 24-hour emergency service for the reporting of workplace accidents and incidents is also provided. In addition, the Helpline co-ordinates the distribution of publications to Tasmanian businesses, workers' and training organisations.

The 1999 *Occupational Black Spots Report* has been updated, with the report being endorsed by the WorkCover Board for publication and to be used as reference material by WST for targeting by the Inspectorate, and for promotional activities. The report identified twelve new black spot occupations, with high incidence of severe injury, which seem to align with the NOHSC priority industries of manufacturing; construction; transport and storage; and health and community services. The twelve Tasmanian black spot occupations are:

1. nursing occupations
2. factory workers'
3. agricultural labourers
4. road transport drivers
5. metal tradespersons
6. cleaners
7. construction tradespersons
8. school teachers
9. hospitality workers
10. sales assistants
11. machine operators
12. storepersons.

Following the production of the *Occupational Black Spots Report*, manual handling received a greater focus during the overall compliance campaign for 2003–04. Priority occupational groups, in particular, agricultural labourers and nurses, have been identified for more specific treatment in terms of synergistic inspectorate and promotional activities.

The production of the new quarterly Inspectorate Claims Report, which provides three-year unit record claims data to the Inspectorate, became operational in April 2003. The new report enables the Inspectorate to better analyse industry sector trends, develop claims histories for employers, analyse accident trends and calculate the amount of days taken off work by injured workers' for any selected employer or groups of employers, by industry, by injury type, or by other factors.

The review of the workers' compensation data collection began in September 2002 and the final report was presented to the WorkCover Tasmania Board in August 2003. The review was a collaborative effort between WST and the Australian Bureau of Statistics (ABS) through the ABS Out-posted Consultancy Service. The final report of the review made six prioritised recommendations which were accepted by the Board and are either being implemented or are planned to be implemented next financial year.

## 4. Enforcement strategies

WST's enforcement policy is currently under review. Presently, WST uses promotion, education and guidance as primary tools for ensuring compliance with the provisions of the *Workplace Health and Safety Act 1995*. However, in cases where it is the view of WST that there has been a significant breach of the legislation, prosecution will be considered. Examples of *prima facie* breaches of the Act are accidents resulting in death or serious injury, or circumstances in which an employer has refused to act to improve safety in a workplace.

Any decision on whether to prosecute a breach of the *Workplace Health and Safety Act 1995* is based on the principles outlined in the Director of Public Prosecutions' policy on prosecutions. The decision to refer a matter to the Director of Public Prosecutions (DPP) is made by the General Manager, on the recommendation of the Investigations Review Committee (IRC). The DPP will decide whether or not to prosecute.

The IRC makes a recommendation only after a written report has been submitted by an inspector or other person authorised under section 34 of the *Workplace Health and Safety Act 1995*. The inspector should submit a report irrespective of whether an investigation has been carried out by an employer or another person. Deterrence will always be given a high weighting as part of the public interest consideration of whether or not to prosecute.

The policy is currently being reviewed to incorporate the on-the-spot fines provisions included in the December 2002 amendments to the *Workplace Health and Safety Act 1995*.

## 5. Regulatory reform

Among other provisions, the December 2002 amendments to the *Workplace Health and Safety Act 1995* tightened requirements in relation to the duties and responsibilities of employers and contractors, and included on-the-spot fines and enforceable undertakings. In addition, the *Workplace Health and Safety Regulations 1998* were amended to give effect to the national ban on products containing asbestos that became effective on 31 December 2003.

Arising out of the Tasmanian natural gas project, and the need for natural gas fitters, a permanent system for the licensing of gas fitters, plumbers and electricians under a single streamlined administrative system (the *Occupational Licensing Act*), is currently being developed.

The *Gas (Safety) Regulations 2002*, made under the *Gas Act 2000*, commenced on 26 June 2002. These regulations cover technical and safety requirements, facilities design and construction standards, safety and operating plans, and gas installations and gas-fitting work.

Cabinet gave approval for WST to proceed with a proposal to develop a new *Dangerous Goods Safety Management Act*, based upon the NOHSC National Standard for the Storage and Handling of Dangerous Goods and the National Standard for the Control of Major Hazard Facilities. Separate regulations for explosives are planned to be included. The existing Dangerous Goods legislation will be amended to remove existing storage and handling provisions and the remainder will be renamed the *Transport of Dangerous Goods Act* and the *Transport of Dangerous Goods Regulations*, so that transport of dangerous goods continues to be regulated according to the national transport reforms and is unaffected by subsequent storage and handling reforms.

WST has participated in national reviews of the hazardous substances regulatory framework and the development of a national code of practice developed through the National Road Transport Commission (NRTC) for the control of Heavy Vehicle Driver Fatigue.

In Tasmania, most codes of practice are developed by industry partners, with WST providing technical assistance.

With effect from 11 December 2002, the Minister approved the *Code of Practice for the Tasmanian Abalone Industry*. In addition, the Minister approved the *Forest Safety Code (Tasmania) 2002* with

effect from 26 February 2003. Following the approval of this code, work progressed on a code of practice for the sawmills and associated industries which had been put on hold while the Forest Safety Code proceeded to Ministerial approval. Other codes of practice nearing finalisation are Public Events, Abrasive Blasting (based on the Queensland code), and Hairdressing.

## 6. Training priorities

WST has a multi-skilled, sector-based Inspectorate. Aside from on-the-job training, assessments are made by regional managers and sector leaders of the individual training requirements of each Inspector. At the state-wide level, the Chief Inspector arranges regular induction; investigation; advocacy and case prosecution; and hazard identification and risk assessment courses. At a national level, Tasmania is represented on the NOHSC Skills Development Committee, which was established to facilitate the identification and inclusion of OHS competencies into the national training agenda.

## 7. Research priorities

Arising from a review into the impact of extended shifts in the Tasmanian mining industry, a major occupational health and safety systems audit of mines sites was conducted by WST. As a result, development of a ministerially approved code of practice for the mining industry has been proposed. The proposed code would incorporate the working hours issue, highlighted in the report, *The Struggle for Time*, compiled by Kathryn Heiler, which was commissioned by the Tasmanian Government following concerns expressed by unions and community groups about the impact of changes in the regulatory environment and the introduction of extended shifts in the Tasmanian mining community.

Tasmania is participating in the Australian Research Council's study being conducted by Messrs Michael Quinlan and Richard Johnstone into changes in OHS management, performance and enforcement that have occurred as a result of the shift from prescriptive legislation to duty of care based legislation.

The Tasmanian WorkCover Board has endorsed four new research projects to be undertaken during next financial year:

- accreditation of medical practitioners;
- review of the medical certificate;
- injury management; and
- long-term benefit study.

Tasmania is continuing its participation in the Australasian Return to Work Monitor.

## 8. Other key activities

As a means of encouraging the highest possible standards in occupational health and safety, and positive rehabilitation outcomes, a review of the performance standards for self-insurers has been completed. In future, in order to obtain a permit, self-insurers are now required to pass SafetyMAP and InjuryMAP audits, which, in the main, will be conducted by WST personnel. Work is now proceeding on a review of the performance standards of licensed insurers.

# Northern Territory

## 1. Scheme specific objectives

On 11 June 2003, NT WorkSafe became the administrative and regulatory arm of the Northern Territory Work Health Authority, the statutory body established under the *Work Health Act*. NT WorkSafe took over responsibility from the Office of Work Health for the territory-wide regulation of occupational health and safety, rehabilitation and workers' compensation. NT WorkSafe is a division of the Northern Territory Department of Employment, Education and Training (DEET).

NT WorkSafe was established to work with industry to minimise the economic and social costs of work-related injuries.

NT WorkSafe's main aims are:

**Prevention:** reducing the number and severity of work-related accidents, injuries, diseases and fatalities.

**Compensation:** ensuring the provision of fair workers' compensation benefits which balance employer and employee interests.

**Rehabilitation:** getting injured people back to work as quickly as practicable.

NT WorkSafe protects workers' and the community from the hazards associated with the workplace through:

- Compliance programs - to establish, monitor and enforce standards of compliance in activities covered by the legislative framework.
- Advisory services - provision of appropriate information to client groups to enable them to understand and meet their obligations under the legislation and in particular how they can actively manage their own safety.
- Education sessions - provide OHS and dangerous goods awareness sessions to industry to assist in implementing safety management programs, identifying hazards in the workplace and developing appropriate controls.
- Industry licensing - ensure the integrity of licensing processes in regard to the legislative requirements and ensure the efficient and timely processing of licences, registrations and permits.

## 2. Future directions

With the placement of NT WorkSafe in the Department of Employment Education and Training greater opportunities exist to foster OHS programs in both the education area, including high schools, and the vocational education and training program (VET) as well as in industry.

Greater emphasis is being placed on community awareness of OHS issues. A more active role is being undertaken to liaise with the National Occupational Health and Safety Commission (NOHSC) and other jurisdictions on a national approach to improving workplace safety.

The NT WorkSafe Strategic and Business plans have been closely aligned with the *National OHS Strategy 2002–2012*. In addition to the national target industries of agriculture, road transport and building and construction, the Northern Territory is also targeting, the gas, retail, public sector, childcare and tourism and hospitality industries.

Provision of advice and support for workers' in regional and remote areas is being enhanced with a number of specifically designed programs. This service may be further enhanced with the proposed opening of NT WorkSafe Offices in Tennant Creek and Nhulunbuy. In the previous 12 months

additional staff have also been located in our Alice Springs and Katherine Offices.

NT WorkSafe is fostering closer liaison with industry and is facilitating working groups for occupations such as scaffolders, plumbers and those in the horticulture sector. This approach will be expanded over the next 12 months. Workshops have been held with the representatives of unions affiliated with the NT Trades and Labor Council and more are planned with the NT Chamber of Commerce and Industry, the Territory Construction association and other employer/employee organisations. The NT WorkSafe Strategic and Business plans have been distributed widely to all stakeholders for input.

NT WorkSafe has facilitated two positions within the NT Trades and Labor Council to assist in seeking improved OHS performance by both industry and in maximising employment and training opportunities for Territorians.

### 3. Prevention strategies

NT Worksafe prevention strategies are:

- Workplaces and dangerous goods handling facilities are visited to provide advice and administer prevention program functions on a proactive basis encompassing all OHS management issues.
- A response program team is maintained to deal with customer enquiries, complaints and accidents in a timely and efficient manner. All field staff are rotated through this program to assist in broadening their skill base and to ensure appropriate advice is provided.
- Stakeholders are presented with a range of options for obtaining contemporary health and safety information in a planned, systematic and cooperative manner.
- Compatibility of data is maintained with other jurisdictions for purposes of direct comparison of OHS performance nationally.
- Strategic networks are developed with industry, employer associations and unions to influence safety outcomes in workplaces.
- The targeting strategy uses available workplace data to identify industry groups that perform badly or are high risk.
- Development of intervention strategies that engage all industry group stakeholders and reflect industry best practice.
- Ensuring legislation is relevant, effective and practical, and nationally consistent where appropriate.
- Regular review of national standards and codes of practice for suitability for adoption by the Northern Territory.
- Prevention efforts that focus on business accepting responsibility for managing health and safety in a planned and systematic manner.
- Accidents and incidents including dangerous goods are responded to appropriately and are investigated to identify causation, legislative breaches and recommendations to prevent recurrence.
- Investigation of complaints to ensure appropriate health and safety outcomes are achieved.
- Designated plants are registered and inspected by third party providers with industry aware of their obligations.
- Major Hazard Facilities strategy is developed to ensure appropriate management and allocation of resources.
- Auditing the performance of occupational license assessors and designated third party plant inspectors.

- OHS awareness education developed for use in school curriculum, particularly for those students undertaking work experience.
- OHS competencies in the VET system are reviewed to ensure their appropriateness and currency.

#### 4. Enforcement strategies

NT WorkSafe is committed to ensuring that compliance with the legislation is obtained in a consistent, fair and equitable manner. To this end NT WorkSafe has developed a Compliance Policy which outlines the approach taken to achieve compliance with the requirements of legislation.

This consists of providing advice and assistance to persons with obligations under *the Work Health Act* and the *Dangerous Goods Act*. This is an important way for NT WorkSafe to assist industry to meet the necessary safety requirements. In line with this approach obtaining workplace and industry compliance with the requirements of the legislation will be achieved, where possible, in a cooperative manner. During visits to workplaces or when dealing with specific activities, NT WorkSafe Officers consult with, and involve, the appropriate persons.

Where this cooperative approach fails, a more formal approach will be used to obtain compliance. This may include written advice or directions, or the issue of a range of notices. The NT WorkSafe Officer will select the most appropriate action.

The following is a brief description of the various notices or directions used by NT WorkSafe:

- *On the Spot Fines or Infringement Notices:* On the spot fines are used to provide an immediate deterrent for breaches of the regulations. They are similar to traffic infringements.
- *Improvement Notices:* This type of notice is used where the breach is not an immediate threat to health and safety but remedial action is required. Improvement notices outline clearly what is required and set time limits for completion.
- *Prohibition Notices:* A notice prohibiting an activity may be issued where there is an immediate threat to the health and safety of a person. Prohibition notices are issued where the cooperative approach has failed to have the activity immediately halted or the problem fixed.
- *Dangerous Goods Directions:* Breaches of the dangerous goods act can attract a dangerous goods direction which requires remedial action within specified time frames.
- *Prosecutions:* Prosecutions are conducted where it is deemed appropriate.

Under the new dangerous goods legislation the ability to issue infringement notices has been included. NT WorkSafe Officers are also authorised under the *Tobacco Control Act 2002* to issue infringement notices for a variety of offences.

#### 5. Regulatory reforms

##### ***Review of Part IV (Occupational Health and Safety) provisions of the Work Health Act.***

A review was conducted into the legislation during 2003. Only minor changes to legislation were recommended. A number of areas are to be further investigated such as workplace violence and the level of penalties.

##### ***Dangerous Goods Legislation***

A new *Dangerous Goods (Road and Rail Transport) Act* commenced in August 2004. This Act adopts the Australian Government legislation for the *Transport of Dangerous Goods by Road*. The

*Dangerous Goods Act 1998* also commenced at this time. Regulations for both Acts also commenced at the same time.

### ***Dangerous Goods Regulatory package***

The NT expects to adopt the National Standard and Code of Practice for the storage and handling of Dangerous Goods early 2005.

### ***Major Hazard Facilities***

The NT expects to adopt the National Standard and Code of Practice for Major Hazard Facilities in early 2005.

### ***Asbestos Prohibition***

New regulations were implemented in the NT and nationally from 31 December 2003. The regulations implemented the nationally agreed ban on all forms of asbestos.

### ***Environmental Tobacco Smoke***

The *NT Tobacco Control Act 2002* places a general prohibition on smoking in enclosed public places. NT WorkSafe Officers are authorised Officers under this Act. NT WorkSafe is working with employers to raise understanding and compliance with the employers duty of care to their employees in regard to environmental tobacco smoke.

## **6. Training priorities**

NT Worksafe has a high level commitment to staff development, this includes:

- reviewing its staff induction program and handbook
- investigation training for all WorkSafe officers
- presentation skills for all WorkSafe officers
- auditing skills for all WorkSafe officers
- report writing for all WorkSafe officers
- dangerous goods training for all WorkSafe officers
- implementation of National Inspector competencies

Externally, NT WorkSafe is liaising with training providers on the delivery of OHS training in a variety of formats. A number of one-day workshops have been conducted in the past year with the NT Chamber of Commerce and Industry.

A major review of NT WorkSafe Education activities was undertaken late in 2003 and a number of recommendations have been made particularly in regard to the provision of services in regional and remote areas.

NT WorkSafe has made a submission to government to create an education officer position to assist in the development and delivery of education sessions, information products and maintenance of the website.

At a national level the Northern Territory is represented on the NOHSC Skills Development Committee, which was established to facilitate the identification and inclusion of OHS competencies into the national training agenda.

## 7. Research priorities

NT WorkSafe is working with NOHSC and other jurisdictions to promote relevant research into OHS issues.

A research grant program will shortly be recommenced through the Work Health Advisory Council. Financial support was provided by the Australian Bureau of Meteorology in 2003 for research into the effect of extremes of heat and cold on workers. This is particularly relevant to the Northern Territory where there is a large variation in climatic conditions.

Limited budget provision has been made for increased research funding during 2004–05.

## 8. Other key activities

Other key activities undertaken by NT Worksafe are:

- A targeted program of work place health and safety intervention was established in the areas of retail and childcare.
- Approximately 8000 workplace visits were conducted during the last three years.
- Widespread workshops were conducted to establish a consistent avenue for employers to seek low cost safety management education.
- The proposed development of offices in Nhulunbuy and Tennant Creek to improve access to regional areas.
- The updating of all information bulletins and information resources with practical relevant and contemporary information and advice.
- A website was developed to allow easy access to NT WorkSafe information resources, legislation and links to other OHS and dangerous goods websites.
- The re-establishment, during 2004, of the NT WorkSafe resource library within NT WorkSafe. For the past few years the library and resources have been located in a central government resource centre.
- Establishing closer relationships to industry through strategic networks and close cooperation with industry associations and major corporations such as Conoco Philips, Woodside Energy and the Adrail consortium.
- A territory-wide Telephone Response Group was established to effectively handle customer enquiries, complaints and accident and incident reports.
- A major review was conducted into the role and functions of NT WorkSafe leading to restructuring, job redesign and the creation of a number of additional positions across the organisation.

# Australian Capital Territory

## 1. Scheme specific objectives

The objectives of the *Occupational Health and Safety Act 1989* (ACT) are:

- to secure the health, safety and welfare of employees at work;
- to protect persons at or near workplaces from risks to health or safety arising out of the activities of employees at work;
- to promote an occupational environment for employees that is adapted to their health and safety needs; and
- to foster a cooperative consultative relationship between employers and employees on the health, safety and welfare of employees at work.

## 2. Future directions

The ACT is progressively reviewing its body of work and safety legislation with a view to developing a harmonised regulatory framework consistent with national standards. Regulatory review and reform initiatives are discussed in more detail in the sections Enforcement strategies and Regulatory reform below. Legislation policy is the responsibility of the Office of Industrial Relations in the Chief Minister's Department.

The Occupational Health and Safety Commissioner and ACT WorkCover are responsible for the administration of workplace health and safety, dangerous substances and workers' compensation legislation. The delivery of regulatory services is guided by ACT WorkCover's strategic planning process and is focused on the provision of advice, preparation of educational and industry guidance material, support for voluntary compliance, and enforcement. The 2004–05 Strategic Plan is currently under development and will continue to be closely aligned with the *National OHS Strategy 2002–2012*.

## 3. Prevention strategies

The ACT is contributing to the development of the National Action Plans to give effect to the *National OHS Strategy 2002–2012* and its targets relevant to the ACT. The ACT's focus is on working with the following groups of industries - retail, property and business, health and community services, construction, education, accommodation, cafes and restaurants.

Data about these industries was included in ACT WorkCover's *Strategic Plan 2002–2004* and a recently completed set of supporting statistical information. The Strategic Plan was developed taking into account the links that will be required over the coming years to assist industries to achieve the ACT's share of the national targets.

ACT WorkCover is continuing to promote the use of the '10 Steps to Safety' Toolkit to all small and medium size businesses. This package provides a simple 'how to' for such business to implement a basic Occupational Health and Safety Management System. Promotion of the toolkit has been integrated into the activities of Occupational Health and Safety Inspectors following successful implementation in a variety of businesses.

ACT WorkCover has also commenced production of a monthly 'Workplace ACT e-News' newsletter distributed to the many employer, employee, professional, business and public news distribution networks in the ACT. This will facilitate more effective targeting of relevant information to workplaces, and fosters partnerships in promoting health and safety to businesses and workplaces.

### **Zero Injury Program (ZIP) – ACT Private Sector**

The ZIP focuses on private sector employers whose safety experience can significantly affect the national target, to reduce the incidence of workplace injury by at least 40% by 30 June 2012 (with a reduction of 20% being achieved by June 2007). An implementation strategy is being finalised that delivers coordinated intervention involving all areas of ACT WorkCover.

### **ACT Safety First Project – ACT Public Sector**

Under the auspices of this project, the ACT Government had adopted for the ACT public sector the two targets contained in the National Strategy as well as two additional targets oriented towards the field of injury management and return to work. All public sector agencies will be required to report on progress towards achieving these targets in their annual reports. To assist agencies in achieving the targets, the project team has been focusing on specific interventions targeting psychological injuries and manual handling in the public sector. The project continues to place a particular focus on the role of managers and leaders in achieving health and safety improvements.

## **4. Enforcement strategies**

During 2003, the ACT Government undertook a review of the compliance and enforcement framework established through the Occupational Health and Safety Act by reference to the Occupational Health and Safety Council. The Government accepted the view of the Occupational Health and Safety Council that a credible compliance and enforcement policy was needed containing the following attributes:

- a mix of deterrence and persuasion;
- an appropriately framed and effective education, advice, promotion and public awareness regime;
- a hierarchy of enforcement measures ranging from advice, education and persuasion to increasing serious negative sanctions such as Improvement Notices, Prohibition Notices and finally prosecution;
- an innovative mix of compliance mechanisms including, notices of agreed compliance, remedial orders, enforceable undertakings and injunctions; and
- appropriate maximum penalties.

The ACT Government has accepted the Council's recommendations and has framed new legislation to:

- enable employers and employees to work more cooperatively to identify safety risks and develop measures to control and eliminate them;
- encourage everyone with workplace safety responsibilities to comply with their obligations;
- empower regulators to work more directly with those responsible to address safety risks at a workplace before accidents and injuries occur;
- ensure that regulators can take appropriate enforcement action where compliance is not forthcoming or there is a risk of a serious accident; and
- provide appropriately high penalties where contraventions of the Act expose people to risk of serious harm or cause serious harm.

The *Occupational Health and Safety (Amendment) Act 2004* was passed in June 2004. The amendments provide for a wide range of enforcement tools and a new suite of inspector powers to ensure inspectors are able to effectively investigate compliance. A complementary suite of compliance and enforcement measures and inspector powers is provided for in the new dangerous substances legislation (see Regulatory reform). This will support an integrated and consistent approach to inspectorial functions in the regulation of both work safety and dangerous substances.

Under the new legislation, enforcement tools ranging from voluntary compliance agreements, improvement and prohibition notices, to enforceable undertakings and court-issued injunctions are

provided for. Voluntary compliance agreements will enable people in the workplace to enter into cooperative agreements with inspectors relating to the rectification of potentially dangerous situations. More powerful measures such as prohibition notices can be used in situations where it is necessary to stop certain activities in the face of immediate danger and risk of serious harm. Compliance agreements will allow employers and regulators to work together in a formalised arrangement to rectify problems in a workplace. The agreements promote the taking of positive responsibility by employers in making sure improvements are made, and are designed to assist employers in developing better understandings about what is required of them.

Other provisions in the new legislation include:

- increased fines and penalties (for example, a maximum fine of \$200 000, seven years' imprisonment or both for an individual, and fines of up to \$1 million for a corporation where an employer recklessly or negligently breaches a health and safety duty and this causes serious harm);
- adverse publicity measures which allow the publication of details of convictions and findings of guilt, and allow courts to order persons found guilty of an offence to publish a statement in relation to the offence; and
- rights of entry for representatives of registered organisations with members or potential members in a workplace to enter work premises where there are reasonable grounds to suspect that a contravention of the Act has happened, is happening or is likely to happen.

Plans are also underway to implement an inspector competency program during 2004–05 to ensure inspectors have the requisite skills and capabilities to carry out their responsibilities. As well, a compliance policy has been developed and is accessible on the ACT WorkCover website. The policy sets out a transparent statement of the principles underpinning ACT WorkCover's approach to its enforcement responsibilities.

ACT WorkCover has established an Investigations Unit to improve its efficiency in undertaking investigations and preparing prosecution briefs. Inspectors in the Investigations Unit will have the opportunity to focus on these activities and develop the skills required for these functions under more effective guidance.

## 5. Regulatory reform

### ***Industrial Manslaughter Legislation***

In 2003, the *Crimes Act 1900* (ACT) was amended to provide for new offences of industrial manslaughter where an employer causes the death of a worker through recklessness or criminal negligence. The new industrial manslaughter offences are an important part of the ACT Government's overall strategy for improving workplace safety and injury prevention.

### ***Occupational Health and Safety Act 1989***

Following the completion of the compliance model review, a review of the scope and structure of the Occupational Health and Safety Act has commenced by reference to the OHS Council. The Council is expected to provide its report to the Minister for Industrial Relations in 2004-05.

### ***Occupational Health and Safety Regulations***

A program to develop a new body of consolidated regulations under the Occupational Health and Safety Act has commenced. Regulations will be developed in a staged process. New regulations for construction safety and for plant and machinery will replace the outdated *Scaffolding and Lifts Act 1912* and the *Machinery Act 1949*.

### ***Dangerous Substances Legislation***

An integrated dangerous goods and hazardous substances legislation package has been developed which will prepare the ACT for the adoption of the Globally Harmonised System of Classification and Labelling of Chemicals (the GHS) in 2006. The dangerous substances legislation is generally aligned with the *Occupational Health and Safety Act* and is developed with a focus on positive duties of care.

The *Dangerous Substances Act 2004* commenced on 5 April 2004. The legislation implements the *National Standard for the Storage and Handling of Dangerous Goods* and elements of the *National Hazardous Substances Regulatory Framework*. Explosives regulations incorporating the Australian Explosives Code also commenced on 5 April 2004. The development of further regulations to support the new legislation is in progress.

### ***Asbestos Prohibition***

New regulations were made in December 2003 which implement the nationally agreed ban on asbestos.

### ***Environmental Tobacco Smoke***

The ACT led the way in Australia with the introduction of the *Smoke-free Areas (Enclosed Public Places) Act 1994*. This Act places a general prohibition on smoking in enclosed public places. It also provides for the exemption of restaurants and licensed premises under certain circumstances. In November 2003, the ACT Legislative Assembly amended the Act to phase-out exemptions by 1 December 2006.

### ***Reviews of Inconsistent Legislation***

The *Occupational Health and Safety Act 1989* (OHS Act) requires the Occupational Health and Safety Commissioner to review the laws of the Territory for the purpose of ascertaining whether any of those laws are inconsistent with the OHS Act. The Commissioner provides reports to the Minister on the results of any inconsistencies, and the current project is comparing the *Public Health Act 1997* with the OHS Act. Work has been completed on the *Smoke-free Areas (Enclosed Public Places) Act 1994* and the *Environment Protection Act 1997*.

## **6. Training priorities**

### ***Health and Safety Representatives' (HSR) Survey Report***

Following the survey of HSRs in 2003, ACT WorkCover has dedicated part of its website to HSRs at: <http://www.workcover.act.gov.au/ohs/HSReps.html>. The OHS Council commenced a review of the guidelines for approval of HSR training programs. The review is considering the findings of the survey in relation to training needs. The Council is expected to finalise the guidelines in 2004-05.

### ***ActSafe Education Modules***

The ActSafe Education Modules are an online health and safety package for owners, managers and workers' of small, medium and large sized businesses, including students undertaking work placements and work experience. The Actsafe Education modules are available at: [www.workcover.act.gov.au/actsafe/default.cfm](http://www.workcover.act.gov.au/actsafe/default.cfm).

These modules are designed to help participants improve their knowledge and understanding of occupational health and safety hazards and laws and provide a practical approach to common health and safety problems.

There are five modules – a general module and four key industry modules:

- Module 1 - ActSafe General Module
- Module 2 - Retail
- Module 3 - Hospitality and Tourism
- Module 4 - Manufacture
- Module 5 - Office and Business Services.

## **7. Research Priorities**

While the ACT does not have the resources to conduct or participate in large-scale research projects, it actively supports and participates in national projects such as the Comparative Performance Monitoring project (CPM). Within the jurisdiction, data such as that available through the workers' compensation scheme is analysed to support establishment of priorities, targeting of resources, and assessment of performance.

# Australian Government

## 1. Scheme specific objectives

Comcare is an Australian Government authority established under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) to administer the Australian Government's workers' compensation scheme and the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (OHS(CE) Act).

Comcare's major functions are to:

- improve the safety and rehabilitation of employees in the Australian Government jurisdiction and the compensation services Comcare provides;
- engage stakeholders and customers in achieving that improvement;
- cooperate with other bodies to reduce the incidence of work-related injuries and disease;
- minimise the duration of incapacity through an emphasis on rehabilitation;
- manage claims for workers' compensation made by employees of premium paying Australian Government agencies;
- determine premiums for all departments and authorities participating in the Comcare premium system;
- ensure compliance with occupational health and safety legislation by employers, employees and others;
- provide advice to the Minister for Employment and Workplace Relations, on issues relating to the administration of the Australian Government's occupational health and safety and workers' compensation frameworks;
- support the Safety, Rehabilitation and Compensation Commission in exercising its functions and powers under the OHS(CE) Act and the SRC Act; and
- provide support to the Seafarers Safety, Rehabilitation and Compensation Authority to assist in the regulation of the Seacare scheme for workers' compensation, rehabilitation and occupational health and safety.

Comcare works in partnership with the Safety, Rehabilitation and Compensation Commission, which is a statutory body established under the *SRC Act*. The major functions of the Safety Rehabilitation and Compensation Commission are to:

- provide advice to the Minister in relation to the SRC Act and the OHS(CE) Act;
- develop and implement policy to allow authorities and eligible corporations to self-insure or manage their own claims under licence;
- provide direction for occupational health and safety in Australian Government employment and ensure compliance with the OHS(CE) Act;
- develop general policy direction for scheme administrators on the operation of the SRC Act;
- ensure, as far as practicable, consistency in the administrative practices and procedures used by determining authorities; and
- act as a review body for premiums and regulatory contributions.

### **Membership**

The SRC Act provides for the Commission to have 11 members. Each member is appointed by the Governor-General. Members other than the Chairman and Comcare's Chief Executive Officer (CEO) may appoint a deputy, subject to the Minister's approval. A member, other than Comcare's CEO, holds office on a part-time basis for a term, not longer than three years, specified in the instrument of appointment. Members are eligible for reappointment.

### **Safety, Rehabilitation and Compensation Commission objective**

The Safety, Rehabilitation and Compensation Commission's objective is to foster continuous improvement in occupational health and safety and workers' compensation in Australian Government employment by:

- seeking to ensure the health, safety and welfare of Australian Government employees in the workplace;
- providing adequate and appropriate compensation benefits, with a strong emphasis on return to work, through rehabilitation, for employees who are injured in the course of, or as a result of, Australian Government employment; and
- providing advice to the Minister on issues relating to improving occupational health and safety, rehabilitation and workers' compensation.

The Safety, Rehabilitation and Compensation Commission is also strongly committed to improving Australia's national occupational health and safety performance by contributing to the implementation of the *National OHS Strategy 2002–2012*.

Key result areas identified for the scheme by the Safety Rehabilitation and Compensation Commission for 2003–04 included:

- implementation of the *National OHS Strategy 2002–2012*;
- improved rehabilitation outcomes;
- improvements in workers' compensation dispute resolution;
- improvements in the compensation process;
- enhancing scheme and agency performance;
- addressing legislative reform outcomes;
- addressing issues arising from Royal Commissions and enquiries impacting on OHS and workers' compensation.

The Safety, Rehabilitation and Compensation Commission has gone further than the national target for fatalities by setting a target for Australian Government employment of zero fatalities from injury. This excludes death from disease and commuting and takes into account declarations by the Minister for Defence in relation to warlike and non-warlike operations for military personnel. It also decided to extend the national target to reduce the incidence of workplace injury to include workplace disease.

In addition to these targets, Comcare has developed two further targets for Australian Government employers in relation to injury management. Together, the four targets form part of Comcare's program to encourage and monitor continuous improvement in workplace health, injury prevention and injury management across Australian Government employment.

Comcare is in the process of implementing the targets with its premium paying agencies. As part of this process, a 'Statement of Commitment' has been developed which the majority of large premium paying agencies have signed. Medium sized agencies have now been invited to adopt the Comcare targets.

## **2. Future directions**

Comcare's vision is to create and maintain Australia's safest workplaces. For the future, priority will be given to:

- implementing a national public sector leadership strategy, including benchmarking (with NOHSC);
- further promotion of leadership and accountability (including leadership in target setting and annual reporting);

- improving the occupational health and safety regulatory framework and its administration;
- improving organisational approaches to the prevention of psychological injury;
- broader implementation of existing initiatives to improve early and safe return to work of injured employees including:
  - an inter-agency return to work (RTW) placement trial and evaluation;
  - a fact finding model trial and evaluation in relation to complex claims;
  - improving point of contact communications;
  - RTW management systems assessment;
  - dispute prevention initiatives; and
  - case management review.
- Addressing outcomes of national inquiries and reviews.

The Safety Rehabilitation and Compensation Commission has identified a number of priority areas to be addressed in its 2004–05 Business Plan. These will be monitored and reviewed to ensure currency and include:

- implementation of the *National OHS Strategy 2002–2012*;
- OHS leadership and accountability;
- improved rehabilitation outcomes;
- improvements in workers' compensation dispute resolution;
- enhancing scheme and agency performance; and
- addressing issues arising from inquiries impacting on OHS and workers' compensation.

### 3. Prevention strategies

The Safety, Rehabilitation and Compensation Commission has endorsed its Prevention Program for 2004–2007, the objective of which is to promote prevention as the primary means of reducing the human and financial costs of injury, identifying and targeting priorities and evaluating results.

The desired outcome of the 2004–2007 Prevention Program is safe and healthy Australian Government workplaces in which:

- managers and employees recognise and acknowledge their respective responsibilities and accountability for occupational health and safety;
- occupational health and safety is an integral component of management systems and daily work practices; and
- the performance and outcomes of occupational health and safety achieve a standard of best practice.

Strategies and activities to achieve the desired outcome include:

- ensuring that employers have up-to-date and comprehensive information on OHS matters affecting Australian Government employment and their duties in addressing these matters;
- assisting agencies to develop and implement effective Occupational Health and Safety Management Systems;
- working with Comcover, Australian Public Service Commission (APSC) and Department of Finance and Administration (DoFA) to assist Australian Government agencies to integrate OHS into other risk management, HR management, contract management and procurement functions;
- promoting prevention strategies for identified priority areas – body stressing, vehicle accidents and slips, trips and falls;

- ongoing targeted prevention of psychological injury; and
- monitoring emerging risks.

#### 4. Enforcement strategies

The OHS (CE) Act provides for investigations of occupational health and safety issues and incidents. The purpose of these investigations is to ensure that:

- the Safety, Rehabilitation and Compensation Commission is informed of issues arising and can ensure that action is taken in workplaces to secure the future health and safety of employees and others; and
- instances of non-compliance are identified and dealt with as appropriate under the legislation.

Investigations may be undertaken in response to:

- statutory notification and reporting requirements for accidents;
- a serious personal injury;
- a dangerous occurrence; or
- other issues identified by health and safety representatives and involved unions amongst others.

Further, Comcare conducts an annual Planned Investigation Program and a Targeted Investigation Program. Planned investigations focus specifically on the policies and practices (OHS Management Systems) of an organisation. Targeted investigations focus on particular areas of compliance with aspects of the legislation.

Following an investigation, enforcement action may be taken and a detailed report provided to the relevant employer. Employers are required to respond to any recommendations contained in the report and indicate timeframes for implementation. Comcare also undertakes reviews of past investigations to ensure that the recommended action has been taken.

A number of enforcement options are available. The OHS (CE) Act provides for the issuing of improvement, do not disturb and prohibition notices; public inquiries; reports to the Minister; and prosecution in the case of government business enterprises. The Safety Rehabilitation and Compensation Commission has issued a Compliance and Enforcement Framework for the jurisdiction which can be accessed at

<http://www.comcare.gov.au/publications/enforcementpolicy/fsenforment.html>

#### 5. Regulatory reform

The *Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002* (the Bill) was introduced into Parliament on 26 June 2002. The Bill passed the House of Representatives debate on 29 March 2004 and was referred to the Senate. The Bill was subsequently scheduled for a Senate Finance and Public Administration Committee hearing.

The reforms in this Bill focus on two key areas to improve OHS outcomes for Australian Government employees:

- improving employee involvement in OHS and providing for a more direct relationship between employers and employees so that workplaces can develop arrangements that take account of the specific needs of their enterprise; and
- introducing enhanced and innovative compliance measures and ensuring that there is a strong and effective enforcement regime in place.

In 2003–04 regulations were made which prohibit the use of all forms of asbestos from 31 December 2003, although provision was made for a number of specific, time limited exemptions, in line with the National List of Exemptions, for products containing chrysotile (white asbestos).

During 2004–05 the Safety, Rehabilitation and Compensation Commission will give priority to developing and/or finalising regulations and codes of practice for a number of hazards not currently subject to specific regulation. Work is proceeding to develop regulations and codes of practice to reflect national standards on the storage and handling of dangerous goods and the control of major hazard facilities. Work is also proceeding on mechanisms to deal with the prevention of falls from heights and electrical safety.

## 6. Training priorities

Information, education and training to assist employers in achieving best practice in the performance and outcomes of occupational health and safety is a priority for Comcare and the Safety, Rehabilitation and Compensation Commission.

Comcare provides:

- a website containing comprehensive information including a virtual office and a 'Customer Information System' providing secure access to claims data and injury management information;
- a wide range of publications and guides, including a regular newsletter '*Working With You*';
- regular forums in each State and Territory to provide customers with updates on safety, rehabilitation and compensation developments;
- an OHS conference, the purpose of which is to raise the profile of OHS and prevention issues within Australian Government employment;
- a national training program that aims to provide employers and employees with the skills and knowledge needed to improve safety, rehabilitation and compensation claims management; and
- an OHS Training Provider Register as an easy, cost-free way for Commonwealth organisations to locate training providers that meet their specific requirements.

## 7. Research priorities

Comcare has established a Research and Strategy Division with the objective of improving the safety and rehabilitation of employees in Australian Government employment and the compensation services it provides. The group's role is to:

- define and propose effective solutions to jurisdictional performance issues;
- identify future threats to workplace safety and health, assess their impact and prepare responses where appropriate; and
- implement effective strategies for improving workplace safety and health within Australian Government employment.

Strategic priorities have been identified in the areas of prevention, injury management and claims management – a number of which are aligned with the *National OHS Strategy 2002–2012*.

Research will be undertaken or commissioned as required to support these priorities:

- build OHS leadership commitment;
- reduce claim duration;

- minimise claim disputation;
- investigate emerging safety, rehabilitation and compensation issues;
- develop model scheme approaches; and
- provide practical guidance to agencies.

The role of the Research and Strategy Division was expanded in 2004 with the establishment of a Research and Analysis Group within the Division. This Group provides a central focus for the analysis and reporting of workers' compensation data aimed at identifying emerging trends and supporting the development of strategies to minimise the incidence and cost of injuries throughout the jurisdiction.

# Seacare Authority

## 1. Scheme specific objectives

The Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) aims to reduce the incidence of injury and illness in the Australian maritime industry through promoting cooperation between stakeholders, assisting industry parties in managing OHS, adopting applicable national OHS standards, publishing OHS material, formulating policies and accrediting health and safety representatives training courses.

The Seacare Authority aims to progress these objectives through improved monitoring and evaluation; OHS compliance and enforcement strategies; development and distribution of OHS information and OHS education and research relevant to the Australian maritime industry.

## 2. Future directions

The Seacare Authority will:

- implement the Seacare Authority OHS Strategy, modeled on the *National OHS Strategy 2002–2012*;
- promote agreed industry OHS performance improvement targets;
- progress adoption of NOHSC Standards and Codes of Practice;
- develop and produce guidance material;
- report on agreed positive performance indicators (PPIs) in the Australian maritime industry;
- establish OHS benchmarks for the Australian maritime industry;
- improve delivery of OHS website services;
- continue to work closely with the Australian Maritime Safety Authority (AMSA), the maritime OHS Inspectorate, in accordance with the Memorandum of Understanding between the Seacare Authority and AMSA; and
- continue to recognise and reward outstanding OHS performance through the conduct of the Seacare Authority Sea-Safe Awards program.

## 3. Prevention strategies

The Seacare Authority's prevention strategy is aimed at preventing work-related death, injury and illness by creating a supportive workplace environment which encourages effective workplace safety and through use of the OHS Inspectorate as a strong deterrence to poor performance. The Seacare Authority will identify high frequency injuries and develop communication and education programs to raise awareness of problems, and identify solutions, for the industry.

The Seacare Authority is:

- progressively adopting OHS standards and actively promoting these standards;
- progressively releasing OHS hazard guidance material; and
- promoting practical use of NOHSC standards and codes, particularly through improved website services.

#### **4. Enforcement strategies**

Use of the International Safety Management (ISM) Code certification process ensures a consistently high level of ship safety. Compliance and enforcement is undertaken by the OHS Inspectorate (a function undertaken by AMSA). AMSA uses advice and education to gain compliance with legislation and in serious cases issues improvement and prohibition notices and undertakes prosecutions.

#### **5. Regulatory reform**

The Seacare Authority is currently undertaking a review of the *Occupational Health and Safety (Maritime Industry) Act 1992* to ensure it remains relevant and consistent with best practice in other jurisdictions. Draft amendments to regulations are currently being prepared in relation to such matters as the notification of incidents to ensure diseases and illnesses are reported. A review of NOHSC Standards and Codes is being undertaken with the view to adoption of the priority Standards and Codes to the extent they are appropriate for application in the maritime industry.

#### **6. Research priorities**

The Authority has undertaken trials in the implementation of positive performance indicators to support outcome indicators of performance. As a result of an evaluation of the trial, PPIs will be promoted for adoption by the industry.

#### **7. Other key activities**

Improvements to performance reporting for industry and for enterprise benchmarking are currently being implemented.

# New Zealand

## 1. Scheme specific objectives

New Zealand government policy is directed towards 'safe and healthy people and workplaces', and this is the joint outcome statement of the two leading agencies with responsibility for occupational health and safety – the Department of Labour and the Accident Compensation Corporation (ACC).

Primary responsibility for the provision of accident compensation and occupational safety and health policy advice and services is held by the Department of Labour, which both operates the Occupational Safety and Health Service (OSH) and administers the legislation governing the accident compensation scheme. In support of the joint ACC/Department of Labour goal, one of the department's intermediate goals is the outcome 'people with high quality work in productive workplaces'.

Policy is also directed by the Government's *New Zealand Injury Prevention Strategy* released by the Minister for ACC in June 2003, and a *Workplace Health and Safety Strategy* in support of that document is currently in development.

### ***Injury Prevention, Rehabilitation, and Compensation Act 2001***

ACC is a Crown entity established in 1974 to administer the Government's accident compensation scheme. This is a 24-hour, 7-day per week, no-fault based scheme providing cover and entitlements (treatment, rehabilitation, and compensation) to those who suffer personal injury through accident in New Zealand. Injuries covered by the scheme include those caused by work-related accidents and specified occupational diseases. In return for the benefits of the scheme, people do not have the right to sue for personal injury which is covered by the scheme.

### ***Health and Safety in Employment Act 1992 (HSE Act)***

The *Health and Safety in Employment Act 1992* (HSE Act) is the principal legislation in the occupational health and safety field. Its object is to promote the prevention of harm to any person as a result of work activity. To do this, the legislation:

- defines hazards and places of work comprehensively, to cover almost all workers' and places of work;
- promotes excellence in health and safety management;
- imposes enforceable duties on those who are responsible for work, and those who do the work;
- provides for the making of regulations and approved codes of practice (that describe good practice or minimum standards) for dealing with particular hazards or types of work; and
- encourages employee participation and a cooperative approach between employers and employees to the improvement of workplace health and safety.

The Act is administered and enforced by the Occupational Safety and Health Service, and the Maritime Safety Authority and Civil Aviation Authority as designated agencies in their respective sectors.

The HSE Act sets out the responsibilities of employers, employees, principals to contracts, and others who exercise control of places of work. It provides for detailed guidance material to be created to assist those with responsibilities to meet the Act's requirements. This is achieved by either mandatory regulations, or by codes of practice approved by the Minister of Labour, after consultation with industry. Approved codes are not mandatory, but are recognised statements of good practice. Other good practice guidelines are also developed by OSH, in conjunction with industry.

### ***Hazardous Substances and New Organisms (HSNO) Act 1996***

The HSNO Act manages the risk that hazardous substances and new organisms pose to the health and safety of people, communities and the New Zealand environment. The Act allows for national controls to be set on substances or new organisms to manage the risks they present. OSH enforces the HSNO Act in places of work, working with its administrator, the Environmental Risk Management Authority (ERMA).

There is a strong link between the HSE and the HSNO Act. In many instances the specific workplace controls and permission requirements of the HSNO Act also provide detailed means of meeting HSE requirements. OSH also enforces the *Amusement Device Regulations 1978*.

## **2. Future directions**

The ACC and the Department of Labour are working to achieve similar goals to prevent injuries in New Zealand. The ACC's role encompasses all aspects of injury prevention, while the Department of Labour, through OSH, has a specific focus on preventing injuries in the workplace by improving health and safety practices through information and advice relating to compliance with its legislation.

Recently there has been increased emphasis on the alignment of both the desired outcomes of the two agencies, and on working collaboratively and sharing information and resources to target risk areas for workplace health and safety.

### ***OSH's strategic direction***

OSH has developed a strategic plan for 2004–2009 that is consistent with the Department of Labour's intermediate outcome of *people with high quality working lives in productive workplaces*.

OSH's strategy to achieve this outcome is to create social and economic motivation for workplace participants in New Zealand, so that an increasing percentage of enterprises actively self-manage occupational health and safety to achieve best practice.

This motivation to change is achieved through:

- engaging with society at all levels to change beliefs, values, attitudes and behaviours to health and safety in workplaces;
- educating participants in the workplace and industry sectors on the benefits of and approaches to health and safety in workplaces;
- enabling participants in the workplace and industry sectors/groups to take active responsibility for improving health and safety in workplaces and across sectors; and
- enforcing minimum health and safety standards to support those workplace participants who actively self-manage workplace health and safety and deter those who won't.

To achieve the changes in behaviour, OSH will increase its efforts in the areas of engagement, encouragement and enabling, while continuing to enforce minimum standards.

OSH has identified five strategic goals that will focus and shape the strategic direction of the organisation. These are based on the desirable outcomes from each of the four approaches described above. A fifth concerns OSH improving its own capability. To achieve the outcomes, OSH will focus on delivering a range of services and interventions to different sectors of society to maximise health and safety outcomes and thereby increase overall productivity of workplaces and quality of work.

### ***ACC's strategic direction***

The corporation has determined its strategic direction for the medium term to 2005. Strategies are based around five core business 'drivers', each of which have their own goals. The goals, which will lead to a successful scheme, are to:

1. Reduce the rate of injuries and claims by at least 10% over the next five years.
2. Increase claimant and stakeholder satisfaction to 80–85% by 2005.
3. Increase staff satisfaction to between 80–85% by 2005.
4. Improve effective rehabilitation outcomes (measured by improvements in rehabilitation rates for three, six and twelve months duration).
5. Maintain fair levy rates.

## **3. Prevention strategies**

### ***New Zealand Injury Prevention Strategy***

The ACC, in consultation with the community and other government agencies, has led the development of the New Zealand Injury Prevention Strategy (NZIPS), which was released in June 2003. The strategy establishes the Government's overall vision and strategic direction for injury prevention in New Zealand and provides a framework for injury prevention activities undertaken by Government agencies, local government, non-governmental organisations, communities and individuals. Six injury priority areas for national focus were identified through the NZIPS.

Workplace injuries (including occupational diseases) is one of these priority areas. The Department of Labour, which is represented on the Government Interagency Steering Group for the NZIPS, has assumed responsibility for developing the Workplace Health and Safety Strategy to address this priority area.

The prevention of work-related injuries is of major concern to the ACC. The cost of claims for work-related injuries represented approximately 17% of the cost of all claims paid in the 2002/2003 financial year. The average cost of a work-related claim is relatively high due to an earnings-related compensation component.

The ACC's role in workplace injury prevention is to encourage, assist and support industry groups, employers and employees in the development, enhancement and implementation of systems and strategies to effectively identify and manage workplace health and safety hazards and risks. These initiatives range from broad strategic interventions developed and implemented in collaboration with industry groups under the ACC's '*Safer Industries*' program, through to the direct provision of specific advice and assistance to individual employers.

The ACC also administers levy-based employer incentive programs provided for in the *Injury Prevention Rehabilitation and Compensation Act 2001*. These include the accredited employer scheme and the workplace safety management practices programme. These provide opportunities for employers to achieve a reduction or discount on the levy they would otherwise pay, through demonstrating in an independent audit that they are operating comprehensive health and safety management systems.

The ACC also has the ability under its legislation to make upward adjustments in an employer's levy if it is satisfied that the number and severity of injuries occurring to the employer's employees are considerably greater than average in the industry. This programme (the ACC Workplace Safety Evaluation Program) is targeting between 150 and 200 employers in 2003–04.

The ACC safer industries strategy is a broader initiative that involves industry health and safety groups being established with representatives from employer or industry organisations, unions, individual employers, industry training and research groups, and other government agencies. Industry sectors included in this program are:

- Agriculture;
- boat-building;
- construction;
- dairy processing;
- fish processing;
- forestry and wood processing;
- health services and residential care; and
- meat processing.

The intention is that the groups will develop injury prevention plans and industry specific initiatives to achieve sustainable long-term injury reduction goals.

The ACC is working with the NZ Council of Trade Unions to provide training to up to 5 000 workplace health and safety representatives (elected after amendments to the *Health and Safety in Employment Act* in 2002 aimed at encouraging employee participation). A similar initiative has been established with Business New Zealand.

OSH's prevention strategies focus on priority areas where it is considered that resources are needed to enable workplaces to improve the management of specific hazards. Current priority areas are:

- Clean air;
- Manual handling;
- Stress and fatigue;
- Hazardous substances;
- Extractive industries;
- Forestry;
- Sawmilling;
- Agriculture; and
- Construction

Typically OSH's injury prevention work within priority areas involves targeted inspection and/or audit programs, followed up by the provision of information and advice where appropriate. The ACC and OSH co-ordinate their activities when they target the same sector.

#### 4. Enforcement strategies

OSH is the lead agency in the administration and enforcement of the HSE Act. Through a health and safety inspectorate, OSH also enforces the HSNO Act in places of work as defined under the HSE Act.

In May 2003 the Civil Aviation Authority (CAA) and the Maritime Safety Authority (MSA) were designated to administer the *Health and Safety in Employment Act 1992* (HSE Act) in the aviation and maritime sectors respectively. The designations relate specifically to aircraft in operation and ships. CAA and MSA also ensure that the provisions of the *Hazardous Substances and New Organisms Act 1996* are enforced in the respective sectors.

OSH (or a designated agency) investigates all workplace fatalities, and most occurrences of serious harm that are required to be reported to it under the HSE Act. There are processes for ensuring all notifications, and complaints from employees and the public receive an appropriate and timely response.

Enforcement activities are aimed at achieving voluntary compliance by duty-holders. Where voluntary compliance cannot be achieved through the provision of information or advice, then the inspectorate has a range of enforcement tools to achieve compliance. The means to achieve this is

provided by the HSE Act, and is consistent with other 'Robens-style' legislation. In addition, 2002 amendments to the legislation provided new enforcement measures through:

- a new infringement notice regime, with infringement fees of up to \$4 000 for offences where the defendant has received prior warning;
- provision for trained employee health and safety representatives to issue hazard notices if they feel an employer has not dealt with the hazard. (Such a notice may form prior warning for an infringement notice);
- private prosecutions in cases where OSH (or a designated agency) have advised they will not prosecute;
- increases in penalties to a maximum of \$250 000 for strict liability offences, and \$500 000, and/or a two year sentence, where intent is established; and
- new provisions for resolving disputes concerning employee involvement issues through employment relations processes (including inspectors being able to seek compliance orders from the Employment Relations Authority).

With the passing of the above amendments, OSH has begun the task of further defining its policies and processes to best use the legislation to encourage voluntary compliance. One step of this process will be the circulation of a compliance policy statement as a point of reference for the inspectorate and its stakeholders.

## 5. Regulatory reform

### ***2002 amendments to the Health and Safety in Employment Act***

Following a comprehensive review by the Government, the *Health and Safety in Employment Act 1992* was amended at the end of 2002, with changes coming into force on 5 May 2003. The review was based on the premise that the underlying approach of the legislation was sound, but that further incentives could be provided to encourage workplaces to develop a culture where more priority is given to health and safety. The amending legislation made changes to the law in the following key areas:

- extending coverage to include mobile workers, volunteers and trainees, as well as the maritime and aviation sectors;
- requiring employee participation in the improvement of workplace health and safety;
- codifying employees' right to refuse work they believe is likely to cause them serious harm;
- encouraging compliance through increased fines and a new system of infringement notices (with fees attached); and
- clarifying that stress and fatigue amongst workers' are types of harm and hazards that are covered by the Act.

The changes relating to the extension of coverage and enforcement are described in the sections above. In addition, employee participation in health and safety has been achieved through the creation of a new duty for employers to provide 'reasonable opportunities' for employees to participate in the improvement of occupational safety and health in their place of work. The means of fulfilling the duty is not prescribed by the statute, but where there are more than 30 employees, or, if less, an employee requests it, an employer must seek agreement on a system of employee participation. Where agreement cannot be reached there are default provisions in the Act. The legislation requires the parties to seek agreement in 'good faith' and, consistent with this, processes for dispute resolution are those used by employment relations legislation.

### ***Injury Prevention, Rehabilitation, and Compensation Act 2001 (IPRC Act)***

This legislation revised New Zealand's system of accident compensation. Its purpose is to enhance the public good and reinforce the social contract represented by the first accident compensation scheme by providing for a fair and sustainable scheme for managing personal injury.

The Act's scheme has as its overriding goals, minimising both the overall incidence of injury in the community, and the impact of injury on the community (including economic, social, and personal costs). It achieves this through:

- establishing as a primary function of the ACC the promotion of measures to reduce the incidence and severity of personal injury;
- providing for a framework for the collection, co-ordination, and analysis of injury-related information;
- ensuring that where injuries occur, the ACC's primary focus should be on rehabilitation, with the goal of achieving an appropriate quality of life through the provision of entitlements that restore to the maximum practicable extent a claimant's health, independence and participation;
- ensuring that, during their rehabilitation, claimants receive fair compensation for loss from injury, including fair determination of weekly compensation and, where appropriate, lump sums for permanent impairment;
- ensuring positive claimant interactions with the ACC through the development and operation of a Code of ACC Claimants' Rights; and
- ensuring the continuation of entitlements for those who suffered personal injuries before the commencement of the Act.

### ***Ministerial Inquiry into the Management of Certain Hazardous Substances in Workplaces***

This inquiry, led by Dennis Clifford QC, was held between December 2002 and July 2003, when a report was published. The inquiry obtained information from public sector organisations, employer and employee representatives, and printing, manufacturing and other organisations that had direct involvement with hazardous substances. International advice was also sought. The inquiry team visited a number of organisations, including advocacy groups. Public hearings commenced in March 2003 in Wellington, Auckland, Nelson and Christchurch.

The report highlighted two main lessons to be learned from managing the risk of exposure to hazardous substances in workplaces. These are:

1. adverse health effects associated with continuing exposure to hazardous substances may take long periods to become apparent; and
2. people have differing susceptibility to chemical exposures, with some adversely affected at a level lower than that tolerated by others without apparent harm.

The report made 23 recommendations, which are being acted on by OSH and the Environmental Risk Management Authority.

## **6. Training priorities**

The two leading agencies in the field, the ACC and OSH both emphasise staff development in their strategic planning, and have ongoing programs for improving staff competencies. The ACC is currently paying particular attention to improving the case management skills of staff. This is consistent with the emphasis placed on rehabilitation by the IPRC Act. The ACC's injury prevention staff have access to a range of technical and professional development opportunities to assist them to enhance their skills and capabilities as well as maintain the currency of their industry knowledge.

OSH has recently strengthened its in-house training resource and is placing particular emphasis on investigative and enforcement processes. In addition, it has formalised the competencies required

and the membership of a senior inspectorate, many of which are able to undertake team leadership or training roles of other staff.

Recent health and safety training in industry has focused on the training of employee health and safety representatives elected under the new employee participation requirements of the HSE Act. This is being organised through courses approved by the Minister of Labour (with eight providers approved by February 2004). The ACC has funded the provision of training to up to 5 000 employee representatives in the first year of the legislation. Training is being provided through courses organised by the NZ Council of Trade Unions and the Employers and Manufacturers' Associations.

## **7. Research priorities**

### ***New Zealand Injury Data Review***

This review was commissioned in April 2000 and reported in October 2002. The report will lead to improvements in the range, quality and availability of injury information.

The review found that injury data is under-reported and fragmented across agencies, and agencies use different standards for collecting similar information. The review sought to improve data quality, the ability to monitor and target injury, access to information, and data provision processes.

In June 2002 Statistics New Zealand was appointed as the Information Manager for injury-related information purposes. The Information Manager's functions and powers are set out in the IPRC Act 2001 and reflect the findings of the Injury Data Review. Initially the agency plans to implement an injury information dissemination program and to establish the supporting infrastructure. It aims to, within five years, establish a system of robust, authoritative, and timely public reporting of injury statistics which provides information to a range of users and uses.

### ***OHS Joint Research Portfolio***

The Health Research Council of New Zealand (HRC), the Department of Labour, and the ACC have developed a joint research portfolio on occupational health and safety. The object of the portfolio is to establish a program of research to address issues relevant to the funding partners, in order to provide an evidence base for policy decisions. It will also help increase the capacity of the occupational health and safety workforce of New Zealand.

Initially the program is funded for the period November 2001 to the end of 2006. To the end of 2003 it had commissioned research projects on:

- reducing the current and likely future burden of occupational ill health in NZ;
- work-related musculoskeletal disorders;
- the epidemiology of work-related slip, trip and fall injuries; and
- slips, trips and falls in dairy farming and residential construction.

### ***The National Occupational Health and Safety Advisory Committee (NOHSAC)***

This independent advisory committee was established in 2003 by the Minister of Labour to provide guidance and recommendations on major occupational health and safety issues. The Committee's functions include:

- providing the Minister with an independent assessment of the major occupational health and safety issues for New Zealand;
- advising the Minister on measures that would deliver the greatest benefit for the prevention of occupational injury and disease;
- developing and implementing an annual work program approved by the Minister, including a research agenda;

- developing an evidence-based approach to occupational health and safety issues; and
- advising the Minister on other matters as requested.

The Committee is chaired by Professor Neil Pearce, who has been appointed for a three-year term. Its five members will serve two to three year terms, and the committee's first task is to develop a research agenda to inform the government's research initiatives and provide direction to the wider research community.

The first NOHSAC project is to review the burden of fatal and non-fatal occupational disease and injury in New Zealand. This review will play a key role in providing an independent assessment of the measures that would deliver the greatest benefit for the prevention of occupational injury and disease, and in developing an evidence-based approach to occupational health and safety issues. The committee plans to complete further work on the surveillance of occupational diseases and hazards.

### ***Department of Labour Research***

The Department provides a strategic overview of policies affecting the labour market, and links between labour market policies and other economic and social policies. Two such extended projects being undertaken are the Costs of Injury and the Return to Sustainable Earnings projects. The Costs of Injury project will design a framework for information about injury costs to sit alongside information collected by the Injury Information Manager (Statistics New Zealand). A draft report has been developed that identifies the broad framework and the potential for populating the framework. The Return to Sustainable Earnings project is exploring approaches for returning injured workers' back to sustainable employment.

Other recent or current research projects by the Department include:

- The social consequences of workplace illness and injuries. Qualitative research of the social and economic impact of an event on employees and their families, based on 15 case studies.
- A Cancer Control Study to quantify the proportion of specific cancers that are due to known occupational causes.
- Analysis of NZ's 100 largest employers to determine the frequency, quality and principles behind their reporting of health and safety information.
- An evaluation of the effect of employee participation provisions of the new legislation.
- An epidemiological study of health outcomes among former New Zealand timber workers' exposed to pentachlorophenol (PCP).
- Employer and employee perceptions of OSH investigations processes.

# Scheme Comparisons

## OHS Overview

Administering Organisation as at 1 July 2003	
<b>New South Wales</b>	WorkCover NSW
<b>Victoria</b>	Victorian WorkCover Authority
<b>Queensland</b>	Workplace Health and Safety Queensland, Department of Industrial Relations
<b>Western Australia</b>	WorkSafe Division, Department of Consumer and Employment Protection
<b>South Australia</b>	Workplace Services, a business unit within the Department of Administration and Information Services and WorkCover Corporation SA.
<b>Tasmania</b>	Workplace Standards Tasmania Division, Department of Infrastructure, Energy and Resources
<b>Northern Territory</b>	NT WorkSafe, Department of Employment, Education and Training
<b>Australian Capital Territory</b>	ACT Office of Industrial Relations, Chief Minister's Department and ACT WorkCover
<b>Seafarers</b>	Seafarers, Safety Rehabilitation and Compensation Authority (Seacare Authority)
<b>Australian Government</b>	Comcare and the Safety, Rehabilitation and Compensation Commission
<b>New Zealand</b>	Occupational Safety and Health Service, Department of Labour

<b>Principal OHS ACT as at 1 July 2003</b>	
<b>New South Wales</b>	<i>Occupational Health and Safety Act 2000</i>
<b>Victoria</b>	<i>Occupational Health and Safety Act 1985</i>
<b>Queensland</b>	<i>Workplace Health and Safety Act 1995</i>
<b>Western Australia</b>	<i>Occupational Safety and Health Act 1984</i>
<b>South Australia</b>	<i>Occupational Health Safety and Welfare Act 1986</i>
<b>Tasmania</b>	<i>Workplace Health and Safety Act 1995</i>
<b>Northern Territory</b>	<i>Work Health Act 1986</i>
<b>Australian Capital Territory</b>	<i>Occupational Health and Safety Act 1989 and Public Sector Management Act 1994 (Schedule 3 – Modifications and adaptations of Occupational Health and Safety Act 1991 in its application to public employees)</i>
<b>Seafarers</b>	<i>Occupational Health and Safety (Maritime Industry) Act 1993</i>
<b>Australian Government</b>	<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>
<b>New Zealand</b>	<i>Health and Safety in Employment Act 1992</i>

<b>Principal OHS Regulations as at 1 July 2003</b>	
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Occupational Health and Safety Regulation 2001</li> </ul>
<b>Victoria</b>	<ul style="list-style-type: none"> <li>▪ Occupational Health and Safety (Asbestos) Regulations 2003</li> <li>▪ Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994</li> <li>▪ Occupational Health and Safety (Confined Spaces) Regulations 1996</li> <li>▪ Occupational Health and Safety (Hazardous Substances) Regulations 1999</li> <li>▪ Occupational Health and Safety (Incident Notification) Regulations 1997</li> <li>▪ Occupational Health and Safety (Issue Resolution) Regulations 1999</li> <li>▪ Occupational Health and Safety (Lead) Regulations 2000</li> <li>▪ Occupational Health and Safety (Major Hazard Facilities) Regulations 2000</li> <li>▪ Occupational Health and Safety (Manual Handling) Regulations 1999</li> <li>▪ Occupational Health and Safety (Mines) Regulations 2002</li> <li>▪ Occupational Health and Safety (Noise) Regulations 1992</li> <li>▪ Occupational Health and Safety (Plant) Regulations 1995</li> <li>▪ Occupational Health and Safety (Prevention of Falls) Regulations 2003</li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ Workplace Health and Safety (Miscellaneous) Regulations 1995</li> <li>▪ Workplace Health and Safety Regulation 1997</li> </ul>
<b>Western Australia</b>	<ul style="list-style-type: none"> <li>▪ Occupational Safety and Health Regulations 1996</li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Occupational Health Safety and Welfare Regulations 1995</li> </ul>
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ Workplace Health and Safety Regulations 1998</li> </ul>
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Work Health (Occupational Health and Safety) Regulations 1996</li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000</li> <li>▪ Occupational Health and Safety (Manual Handling) Regulations 1997</li> <li>▪ Occupational Health and Safety Regulations 1991</li> </ul>
<b>Seafarers</b>	<ul style="list-style-type: none"> <li>▪ Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003</li> <li>▪ Occupational Health and Safety (Maritime Industry) Regulations 1995 (as amended)</li> </ul>
<b>Australian Government</b>	<ul style="list-style-type: none"> <li>▪ Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994</li> <li>▪ Occupational Health and Safety (Commonwealth Employment) Regulations 1991</li> </ul>
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Health and Safety in Employment (Asbestos) Regulations 1998</li> <li>▪ Health and Safety in Employment (Mining Administration) Regulations 1996</li> <li>▪ Health and Safety in Employment (Mining Underground) Regulations 1999</li> <li>▪ Health and Safety in Employment (Petroleum Extraction and Exploration) Regulations 1999</li> <li>▪ Health and Safety in Employment (Pipelines) Regulations 1999</li> <li>▪ Health and Safety in Employment (Prescribed Matters) Regulations 2003</li> <li>▪ Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1999</li> <li>▪ Health and Safety in Employment Regulations 1995</li> </ul>

<b>Other Relevant Acts as at 1 July 2003</b>	
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ <i>Dangerous Goods Act 1975</i></li> <li>▪ <i>Rural Workers' Accommodation Act 1969</i></li> <li>▪ <i>Workers' Compensation Act 1987</i></li> <li>▪ <i>Workplace Injury Management Act 1998</i></li> </ul>
<b>Victoria</b>	<ul style="list-style-type: none"> <li>▪ <i>Dangerous Goods Act 1985</i></li> <li>▪ <i>Road Transport Reform (Dangerous Goods) Act 1995 (Commonwealth)</i></li> <li>▪ <i>Equipment (Public Safety) Act 1994</i></li> <li>▪ <i>Road Transport (Dangerous Goods) Act 1995</i></li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ <i>Dangerous Goods Safety Management Act 2001</i></li> <li>▪ <i>Electrical Safety Act 2002</i></li> </ul>
<b>Western Australia</b>	<ul style="list-style-type: none"> <li>▪ <i>Shearers' Accommodation Act 1912</i></li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ <i>Dangerous Substances Act 1979</i></li> <li>▪ <i>Explosives Act 1936</i></li> <li>▪ <i>Petroleum Products Regulation Act 1995</i></li> <li>▪ <i>WorkCover Corporation Act 1994</i></li> <li>▪ <i>Worker's Rehabilitation and Compensation Act 1986</i></li> <li>▪ <i>Mining Act 1971</i></li> </ul>
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ <i>Dangerous Goods Act 1998</i></li> <li>▪ <i>Electricity Industry Safety and Administration Act 1997</i></li> <li>▪ <i>Gas Act 2000</i></li> <li>▪ <i>Gas Pipelines Act 2000</i></li> <li>▪ <i>Workers' Rehabilitation and Compensation Act 1998</i></li> </ul>
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ <i>Dangerous Goods Act 1998</i></li> <li>▪ <i>Dangerous Goods (Road and Rail Transport) Act 2003</i></li> <li>▪ <i>Ozone Protection Act 1990</i></li> <li>▪ <i>Radioactive Ores and Concentrates (Packaging and Transport) Act 1997</i></li> <li>▪ <i>Tobacco Control Act 2002</i></li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ <i>Crimes Act 1900 (Part 2A – Industrial Manslaughter)</i></li> <li>▪ <i>Dangerous Goods Act 1975</i></li> <li>▪ <i>Machinery Act 1949</i></li> <li>▪ <i>Road Transport Reform (Dangerous Goods) Act 1995 (Commonwealth)</i></li> <li>▪ <i>Scaffolding and Lifts Act 1912</i></li> <li>▪ <i>Workers' Compensation Act 1951</i></li> </ul>
<b>Seafarers</b>	<ul style="list-style-type: none"> <li>▪ <i>Seafarers Rehabilitation and Compensation Act 1992</i></li> <li>▪ <i>Seafarers Rehabilitation and Compensation Levy Act 1992</i></li> <li>▪ <i>Seafarers Rehabilitation and Compensation Levy Collection Act 1992</i></li> </ul>
<b>Australian Government</b>	<ul style="list-style-type: none"> <li>▪ <i>Safety, Rehabilitation and Compensation Act 1988</i></li> </ul>
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ <i>Hazardous Substances and New Organisms Act 1996</i></li> <li>▪ <i>Injury Prevention, Rehabilitation and Compensation Act 2001</i></li> </ul>

<b>Other Relevant Regulations as at 1 July 2003</b>	
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Dangerous Goods (Gas Installation) Regulation 1998</li> <li>▪ Dangerous Goods (General) Regulation 1999</li> <li>▪ Workers' Compensation Regulation 2003</li> <li>▪ Workplace Injury Management and Workers' Compensation Regulation 2002</li> </ul>
<b>Victoria</b>	<ul style="list-style-type: none"> <li>▪ Dangerous Goods (Explosives) Regulations 2000</li> <li>▪ Dangerous Goods (Storage and Handling) Regulations 2000</li> <li>▪ Dangerous Goods (Transport by Rail) Regulations 1998</li> <li>▪ Equipment (Public Safety) (General) Regulations 1995</li> <li>▪ Equipment (Public Safety) (Incident Notification) Regulations 1997</li> <li>▪ Road Transport (Dangerous Goods) (Licence Fees) Regulations 1998</li> <li>▪ Road Transport Reform (Dangerous Goods) Regulations 1997</li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ Dangerous Goods Safety Management Regulation 2001</li> <li>▪ Electrical Safety Regulation 2002</li> </ul>
<b>Western Australia</b>	<ul style="list-style-type: none"> <li>▪ Carcinogenic Substances Regulatory Notice of the Poisons Act 1964 for the industrial poisons benzene, 4,4-methylene bis (2-Chloroaniline) and diaminodiphenyl-methane (DDM)</li> <li>▪ Shearers' Accommodation Act 1912 Regulations</li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Dangerous Substances Regulations 1998</li> <li>▪ Explosives Regulations 1996</li> <li>▪ Mining Regulations 1998</li> <li>▪ Petroleum Products Regulation 1995</li> </ul>
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ Dangerous Goods (General) Regulations 1998</li> <li>▪ Dangerous Goods (Road and Rail Transport) Regulations 1998</li> <li>▪ Electricity Industry Safety and Administration Regulations 1999</li> <li>▪ Gas (Safety) Regulations 2002</li> </ul>
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Dangerous Goods Regulations 2004</li> <li>▪ Dangerous Goods (Road and Rail Transport) Regulations 2004</li> <li>▪ Ozone Protection Regulations</li> <li>▪ Radioactive Ores and Concentrates (Packaging and Transport) Regulations 1980</li> <li>▪ Tobacco Control Act Regulations 2002</li> <li>▪ Work Health Regulations 2000</li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ Boilers and Pressure Vessels Regulations 1954</li> <li>▪ Dangerous Goods Regulations 1978</li> <li>▪ Machinery Regulations 1950</li> <li>▪ Road Transport Reform (Dangerous Goods) Regulations 1997 (Commonwealth)</li> <li>▪ Scaffolding and Lifts Regulations 1950</li> <li>▪ Workers' Compensation Regulations 2002</li> <li>▪ Workers' Compensation Rules 2002</li> </ul>
<b>Seafarers</b>	<ul style="list-style-type: none"> <li>▪ Seafarers Rehabilitation and Compensation Levy Regulations 2002</li> <li>▪ Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002 (as amended)</li> </ul>
<b>Australian Government</b>	N/A

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|--------------------|--|
| <b>New Zealand</b> | <ul style="list-style-type: none"><li>▪ Abrasive Blasting Regulations 1958</li><li>▪ Amusement Devices Regulations 1978</li><li>▪ Electroplating Regulations 1950</li><li>▪ Hazardous Substances and New Organisms regulations (various affecting workplaces)</li><li>▪ Lead process Regulations 1950</li><li>▪ Noxious Substances Regulations 1954</li><li>▪ Spray Coating Regulations 1962</li></ul> |
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### Relevant Codes of Practice or Advisory Standards as at 1 July 2003

#### **New South Wales**

Numerous Codes of Practices - continually updated on Website:  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

#### **Victoria**

- Building and Construction Workplaces (No. 13, 1990)
- Confined Spaces (No. 20, 1996)
- Dangerous Goods Storage and Handling (No. 27, 2000)
- Demolition (No. 14, 1991)
- Demolition (Amendment No. 1) (No. 21, 1998)
- Electrical Installations on Construction Sites (Industry Standard 2002)
- First Aid in the Workplace (No. 18, 1995)
- Foundries (No. 2, 1988)
- Hazardous Substances (No. 24, June 2000)
- Lead (No.26, 2000)
- Manual Handling (No. 25, 2000)
- Noise (No. 17, 1992)
- Plant (No. 19, 1995)
- Plant (Amendment No 1) (No. 23, 1998)
- Provision of Occupational Health and Safety Information in Languages Other Than English (No. 16, 1992)
- Safe Use of Cranes in the Building and Construction Industry (No. 11, 1990)
- Safe Work On Roofs (Excluding Villa Constructions) (No. 10, 1989) [To be revoked March 2004]
- Safe Work on Roofs (Excluding Villa Constructions) (Amendment No. 1) (No. 22, 1998) [To be revoked March 2004]
- Safety in Forest Operations (No. 12, 1990)
- Safety Precautions in Trenching Operations (No. 8, 1988)
- Tilt-Up Construction (Industry Standard 2001)
- Workplaces (No. 3, 1988)

#### **Queensland**

- Abrasive Blasting Industry Code of Practice 1999
- Asbestos AS 2004
- Cash in Transit Industry Code of Practice 2001
- Compressed Air Recreational Diving and Recreational Snorkelling Industry Code of Practice 2000
- Construction Workplace Amenities AS 2000
- First Aid AS 2004
- Forest Harvesting Industry Code of Practice 2000
- Formwork AS 2000
- Foundry Industry Code of Practice 1999
- Glasswool and Rockwool Industry Code of Practice 2000
- Hazardous Substances AS 2003
- Horse Riding Schools, Trail Riding Establishments and Horse Hiring Establishments Industry Code of Practice 2002
- Manual Handling in the Building Industry AS 1999
- Manual Tasks AS 2000
- Manual Tasks Involving the Handling of People AS 2002
- Noise AS 2004
- Plant AS 2000
  - Supplement 1 - Concrete Pumping 1999
  - Supplement 2 - Legionella Control in Air Conditioning Units and Cooling Towers 2000
  - Supplement 3 - Safe Design and Operation of Tractors 1999
- PPE in Building AS 1999
- Recreational Technical Diving Industry Code of Practice 2001
- Risk Management AS 2000
  - Supplement 1 - PPE
  - Supplement 2 - Training

	<ul style="list-style-type: none"> <li>▪ Rural Plant Code of Practice 1999</li> <li>▪ Scaffolding 1999</li> <li>▪ Steel Construction 1999</li> <li>▪ Sugar Milling Operations Code of Practice 1999</li> <li>▪ The Storage and Use of Rural Chemicals at a Rural Workplace Code of Practice 2000</li> <li>▪ Tilt-up and Pre-cast Concrete Industry Code of Practice 2003 Workplace Amenities 2000</li> <li>▪ Welding 1999</li> <li>▪ Workplace Amenities 2000</li> </ul>
<b>Western Australia</b>	<ul style="list-style-type: none"> <li>▪ Abrasive Blasting, 2000</li> <li>▪ Control of Noise in the Music Entertainment Industry, 2003</li> <li>▪ Control and Safe Use of Inorganic Lead at Work [NOHSC: 2015 (1994)]</li> <li>▪ Control of Scheduled Carcinogenic Substances [NOHSC: 2014 (1995)]</li> <li>▪ Excavation, 1996</li> <li>▪ First Aid Facilities and Services, Workplace Amenities and Facilities and Personal Protective Clothing and Equipment, 2002</li> <li>▪ Formwork for concrete AS 3610–1995</li> <li>▪ Guidelines for scaffolding AS/NZS 4576:1995</li> <li>▪ Health and Safety in Welding, Technical Note 7 (TN 7–98), Welding Technology Institute of Australia</li> <li>▪ Labelling of Workplace Substances [NOHSC: 2012 (1994)]</li> <li>▪ Management of HIV/AIDS and Hepatitis at Workplaces, 2000</li> <li>▪ Manual Handling, 2000</li> <li>▪ Managing Noise at Workplaces, 2002</li> <li>▪ Preparation of Material Safety Data Sheets [NOHSC: 2011 (1994)]</li> <li>▪ Prevention and Control of Legionnaires' Disease, 2000</li> <li>▪ Prevention of Falls at Workplaces, 2004</li> <li>▪ Prevention of Occupational Overuse Syndrome [NOHSC: 2013 (1994)]</li> <li>▪ Safe Removal of Asbestos [NOHSC: 2002 (1988)]</li> <li>▪ Safe Use of Vinyl Chloride [NOHSC:2004(1990)]</li> <li>▪ Safe Use of Synthetic Mineral Fibres [NOHSC: 2006 (1990)]</li> <li>▪ Safe Use of Ethylene Oxide in Sterilisation/Fumigation Processes [NOHSC: 2008 (1992)]</li> <li>▪ Safeguarding of Machinery Part 1: General Principles AS 4024.1 – 1996</li> <li>▪ Safety and Health of Children and Young People in Workplaces, 1999</li> <li>▪ Safety and Health within the Waste Management and Recycling Industries, Waste Management Association of Australia, 1999</li> <li>▪ Spray Painting, 2000</li> <li>▪ Styrene, 1996</li> <li>▪ Workplace Violence, 1999</li> <li>▪ Workplace Hazardous Substances [NOHSC: 2007 (1994)]</li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Approved Code of Practice for Asbestos Work (excluding removal) – No.8</li> <li>▪ Approved Code of Practice for Labelling of Workplace Substances</li> <li>▪ Approved Code of Practice for Logging Stanchions and Bulkheads</li> <li>▪ Approved Code of Practice for Manual Handling</li> <li>▪ Approved Code of Practice for Occupational Health &amp; First Aid</li> <li>▪ Approved Code of Practice for the Control of Workplace Hazardous Substances</li> <li>▪ Approved Code of Practice for the Preparation of Material Safety Data Sheets</li> <li>▪ Approved Code of Practice for the Safe Erection of Structural Steelwork</li> <li>▪ Approved Code of Practice for the Safe Handling of Timber Preservatives &amp; Treated Timber</li> <li>▪ Approved Code of Practice for the Safe Removal of Asbestos</li> <li>▪ Approved Code of Practice for the Safe Use of Synthetic Mineral Fibres</li> </ul>
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ Code of Practice for the Tasmanian Abalone Industry</li> <li>▪ Forest Safety Code (Tasmania) 2002</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Managing the Risk of Falling in Housing Construction</li> <li>▪ Safe Use of Reinforced Plastics (Revised Version)</li> <li>▪ Working at Heights in Commercial Construction</li> </ul>
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Approved NT Code of Practice for the Prevention of Falls at Workplaces - General</li> <li>▪ Approved NT Code of Practice for the Prevention of Falls at Workplaces - Part 1 Roofing and Cladding</li> <li>▪ Guidance Note on Asbestos (Commenced 1 June 1991)</li> <li>▪ National Code of Practice on Asbestos [NOHSC:2002 (1988)]</li> <li>▪ Safe Working in a Confined Space (AS 2865 – 1995)/[NOHSC:1009 (1994)] (Commenced 24 April 1995)</li> <li>▪ National Code of Practice for Health Care Workers' and Other People at Risk of the Transmission of Human Immuno-deficiency Virus and Hepatitis B in the Workplace [NOHSC:2010(1993)]</li> <li>▪ National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC:2009(2000)]</li> <li>▪ National Standard for Occupational Noise [NOHSC:1007(2000)]</li> <li>▪ National Code of Practice for the Control of Workplace Hazardous Substances [NOHSC:2007(1994)]</li> <li>▪ National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]</li> <li>▪ National Code of Practice for the Preparation of Material Safety Data Sheets NOHSC:2011(1994)]</li> <li>▪ National Code of Practice for the Prevention of Occupational Overuse Syndrome [NOHSC:2013(1994)]</li> <li>▪ Northern Territory Road Transport Fatigue</li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ ACT Construction Industry Amenities Code of Practice (Commenced 28 August 1998)</li> <li>▪ ACT First Aid in the Workplace Code of Practice (Commenced 2 April 1994)</li> <li>▪ ACT Manual Handling Code of Practice (Revised Edition)</li> <li>▪ Code of Practice for the ACT Sex Industry</li> <li>▪ Code of Practice for the Control and Safe Use of Inorganic Lead at Work [NOHSC:2015(1994)]</li> <li>▪ Code of Practice for Steel Construction</li> <li>▪ Code of Practice for Transport and Delivery of Cash</li> <li>▪ Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003(1995)]</li> <li>▪ Guidance Note on Asbestos (Commenced 1 June 1991)</li> <li>▪ National Code of Practice on Asbestos [NOHSC:2002 (1988)]</li> <li>▪ National Code of Practice for the Control of Workplace Hazardous Substances [NOHSC:2007(1994)]</li> <li>▪ National Code of Practice for Health Care Workers' and Other People at Risk of the Transmission of Human Immuno-deficiency Virus and Hepatitis B in the Workplace [NOHSC:2010(1993)]</li> <li>▪ National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC:2009(2000)]</li> <li>▪ National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]</li> <li>▪ National Code of Practice for the Preparation of Material Safety Data Sheets NOHSC:2011(1994)]</li> <li>▪ National Code of Practice for the Prevention of Occupational Overuse Syndrome [NOHSC:2013(1994)]</li> <li>▪ National Code of Practice for the Safe use of Synthetic Mineral Fibres [NOHSC:2006(1990)]</li> <li>▪ National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)]</li> <li>▪ National Standard for Limiting Occupational Exposure to Ionising Radiation [NOHSC:1013(1995)]</li> </ul>

	<ul style="list-style-type: none"> <li>▪ National Standard for Occupational Noise [NOHSC:1007(2000)]</li> <li>▪ National Standard for Plant [NOHSC:1010(1994)]</li> <li>▪ National Standard for Synthetic Mineral Fibres [NOHSC:1004(1990)]</li> <li>▪ National Standard for the Control of Inorganic Lead at Work [NOHSC:1012(1994)]</li> <li>▪ Safe Demolition Work - ACT Code of Practice (3rd revised edition) (Current edition commenced 23 November 2000)</li> <li>▪ Safe Working in a Confined Space (AS 2865 – 1995)/[NOHSC:1009 (1994)] (Commenced 24 April 1995)</li> <li>▪ Safe Working on Roofs Part 1 - ACT Code of Practice</li> <li>▪ Safe Working on Roofs Part 2 - ACT Code of Practice</li> <li>▪ Smoke Free Workplaces Code of Practice</li> </ul>
<b>Seafarers</b>	<ul style="list-style-type: none"> <li>▪ International Safety Management Code</li> <li>▪ Seacare Authority Code of Practice 1/2000 incorporating the Australian Offshore Support Vessel Code of Safe Working Practice and the Code of Safe Working Practice for Australian Seafarers.</li> <li>▪ Various Marine Orders issued by AMSA under the Navigation Act 1912</li> </ul>
<b>Australian Government</b>	See Appendix A
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Approved Code of Practice for Cranes - includes the Design, Manufacture, Supply, Safe Operation, Maintenance and Inspection</li> <li>▪ Approved Code of Practice for Demolition</li> <li>▪ Approved Code of Practice for Excavation and Shafts for Foundations</li> <li>▪ Approved Code of Practice for Forest Operations - Safety Code - Part 5: Timber Stacking, Packeting and Transportation</li> <li>▪ Approved Code of Practice for Helicopter Logging</li> <li>▪ Approved Code of Practice for Load-Lifting Rigging</li> <li>▪ Approved Code of Practice for Managing Hazards to Prevent Major Industrial Accidents</li> <li>▪ Approved Code of Practice for Operator Protective Structures on Self-Propelled Mobile Mechanical Plant</li> <li>▪ Approved Code of Practice for Passenger Ropeways in New Zealand</li> <li>▪ Approved Code of Practice for Pressure Equipment (Excluding Boilers)</li> <li>▪ Approved Code of Practice for Power-Actuated Hand-Held Fastening Tools</li> <li>▪ Approved Code of Practice for Power-Operated Elevating Work Platforms</li> <li>▪ Approved Code of Practice for Roll Over Protective Structures on Tractors in Agricultural Operations</li> <li>▪ Approved Code of Practice for Safety and Health in Forest Operations</li> <li>▪ Approved Code of Practice for Safety and Health in the Manufacture of Paint, Printing Inks and Resins</li> <li>▪ Approved Code of Practice for Safety and Health in Tree Work Part 1 - Arboriculture</li> <li>▪ Approved Code of Practice for Safety and Health in Tree Work Part 2 - Maintenance of Trees Around Power Lines</li> <li>▪ Approved Code of Practice for Safety and Health in Tree Work Part 3 - River and Stream Operations</li> <li>▪ Approved Code of Practice for Safety in Photoengraving and Lithographic Processes</li> <li>▪ Approved Code of Practice for the Design, Safe Operation, Maintenance and Servicing of Boilers</li> <li>▪ Approved Code of Practice for the Management of Noise in the Workplace</li> <li>▪ Approved Code of Practice for the Management of Substances Hazardous to Health (MOSHH) in the Place of Work</li> <li>▪ Approved Code of Practice for the Prevention, Detection and Control of Fire and Explosion in New Zealand Dairy Industry Spray Drying Plant</li> <li>▪ Approved Code of Practice for the Prevention of Sulphur Fires and Explosions</li> <li>▪ Approved Code of Practice for the Safe Erection and Use of Scaffolding</li> </ul>

- Approved Code of Practice for the Safe Handling, Transportation and Erection of Pre-cast Concrete
- Approved Code of Practice for the Safe Use of Isocyanates
- Approved Code of Practice for the Safe Use of Timber Preservatives and Antisapstain Chemicals
- Approved Code of Practice for the Safe Use of Visual Display Units in the Place of Work
- Approved Code of Practice for Training Operators and Instructors of Powered Industrial Lift trucks (Forklifts)

<b>Relevant Guidelines as at 1 July 2003</b>	
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Small Business Safety Starter Kit</li> <li>▪ Workplace Safety Kit 2001</li> </ul> <p>Numerous other guidance products see website <a href="http://www.workcover.nsw.gov.au/">www.workcover.nsw.gov.au/</a></p>
<b>Victoria</b>	Please refer to the Victoria WorkCover Authority's website <a href="http://www.workcover.vic.gov.au/">www.workcover.vic.gov.au/</a> under Guidance Material – Alerts/Guidance Notes
<b>Queensland</b>	Refer to website: <a href="http://www.whs.qld.gov.au/">www.whs.qld.gov.au/</a> under Publications, Guides.
<b>Western Australia</b>	<ul style="list-style-type: none"> <li>▪ Alcohol and Other Drugs at the Workplace, 2000.</li> <li>▪ Asbestos Materials in the Automotive Maintenance and Repair Industry, 1999.</li> <li>▪ Controlling Hazards in the Electroplating Industry, 2000.</li> <li>▪ Controlling Isocyanate Hazards at Work, 2000</li> <li>▪ Controlling Wood Dust Hazards at Work, 2000</li> <li>▪ Electricity: Residual Current Devices, 1998</li> <li>▪ Election of Safety and Health Representatives, Representatives and Committees and Resolution of Issues, 1990 and 1996</li> <li>▪ Gas Welding Safety Flashback Arresters, 2002</li> <li>▪ General Duty of Care in Western Australian Workplaces, 1992 and 1996</li> <li>▪ Guidance Note for the Assessment of Health Risks Arising from the Use of Hazardous Substances in Workplace [NOHSC:3017(1994)]</li> <li>▪ Guidance Note for the Control of Workplace Hazardous Substances in the Retail Sector [NOHSC:3018(1994)]</li> <li>▪ Guidance Note on the Interpretation of Exposure Standards for Atmospheric Contaminants in Occupational Environments [NOHSC:3008(1995)]</li> <li>▪ Guidance Note: Dealing with Workplace Bullying - A Guide for Employees, 2003</li> <li>▪ Guidance Note: Dealing with Workplace Bullying - A Guide for Employers, 2003</li> <li>▪ Guidelines for the Development of Industry Codes of Practice Approved under the Occupational Safety and Health Act 1984</li> <li>▪ Isolation of Plant, 2002</li> <li>▪ Mobile Phones, 2001</li> <li>▪ Plant Design – A guide for designers, manufacturers, importers, suppliers and installers of plant, 2001</li> <li>▪ Plant in the Workplace – A guide for employers, self employed persons and employees, 2001</li> <li>▪ Powered Mobile Plant, 2004</li> <li>▪ Prevention of Carbon Monoxide Poisoning from Petrol and Gas Powered Equipment, 2001</li> <li>▪ Reducing the Risk of Fatigue at Workplaces, 2001</li> <li>▪ Safe Movement of Vehicles at Workplaces, 2001</li> <li>▪ Safe Use of Chemicals in the Woodworking Industry, 2002</li> <li>▪ Safe Use of Woodworking Machinery (Guarding), 2001</li> <li>▪ Soldering in the Workplace: Rosin Fluxes, 2000</li> <li>▪ Working Alone, 1999</li> <li>▪ Working Safely with Forklifts, 2004</li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Guidelines for control of workplace noise</li> <li>▪ Guidelines for drugs, alcohol and the workplace</li> <li>▪ Guidelines for electrical hazards</li> <li>▪ Guidelines for managing health and safety in the labour hire industry</li> <li>▪ Guidelines for reducing the risk of violence at work</li> <li>▪ Guidelines for workplace amenities and accommodation</li> </ul>
<b>Tasmania</b>	<p><b>Workplace Health and Safety</b></p> <ul style="list-style-type: none"> <li>▪ 15 Minute Farm Safety Check</li> </ul>

	<ul style="list-style-type: none"> <li>▪ A Guide to First Aid in the Workplace</li> <li>▪ A Guide to the Election of Employee Safety Representatives</li> <li>▪ A Guide to the Workplace Health and Safety Legislation</li> <li>▪ Body Strain Prevention Kit</li> <li>▪ Body Strain Prevention for Workers</li> <li>▪ Child Safety on Farms Checklist</li> <li>▪ Duty of Care</li> <li>▪ Forest Industry Occupational Health and Safety Information (internet only)</li> <li>▪ Hazard Management: Play it SAFE (internet only)</li> <li>▪ Workplace Health and Safety Basics for Cleaners: Responsibilities, Problems and Solutions</li> <li>▪ Play it SAFE Working at Height</li> <li>▪ Rural Workplace Health and Safety Guide</li> <li>▪ Rural Workplace Human Resource Management Guide</li> <li>▪ Stress, Bullying, Alcohol and Other Drug Misuse, Hidden Hazards: A Guide for Employers</li> <li>▪ Stress, Bullying, Alcohol and Other Drug Misuse, Hidden Hazards: A Guide for Workers</li> <li>▪ Tasmanian Transport Industry – Guide to OH&amp;S Duty of Care</li> <li>▪ Welcome to the Workplace – A Safety Kit for New Workers' (internet only)</li> <li>▪ What You Don't Know Can Hurt You</li> <li>▪ Workplace Health and Safety on Residential Housing Projects</li> </ul> <p><b>Hazardous Substances</b></p> <ul style="list-style-type: none"> <li>▪ How to HAZCHEM placard premises storing dangerous goods</li> <li>▪ Play it SAFE with Chemicals: A guide to managing hazardous substances in the workplace</li> </ul> <p><b>Plant</b></p> <ul style="list-style-type: none"> <li>▪ Industrial Equipment Requiring an OHS Certificate of Competency</li> <li>▪ Plant Safety: Registration and record keeping requirements applying in Tasmania</li> </ul> <p><b>Various Safety Bulletins and Safety Alerts</b> See website <a href="http://www.wst.tas.gov.au/">www.wst.tas.gov.au/</a> under Publications</p> <p><b>Electrical Standards and Safety</b></p> <ul style="list-style-type: none"> <li>▪ Code of Practice for the Sale of electrical installation products to the public</li> <li>▪ Do It Yourself – Dead on Arrival - Electricity Kills</li> <li>▪ Electrical Industry Bulletin (Quarterly) Install Safety Switches</li> <li>▪ Electrical Licensing in Tasmania</li> <li>▪ Energy Efficiency of Air-conditioners</li> <li>▪ Energy Efficiency of Clothes washers &amp; dryers</li> <li>▪ Energy Efficiency of Dishwashers</li> <li>▪ Energy Efficiency of Fridges &amp; freezers</li> </ul>
<b>Northern Territory</b>	<p>Refer to website: <a href="http://www.worksafe.nt.gov.au/">www.worksafe.nt.gov.au/</a></p> <ul style="list-style-type: none"> <li>▪ A Guide to First Aid in the Workplace</li> <li>▪ A Guide to Safe Working in Confined Spaces</li> <li>▪ A Guide to Safe Work Practices in Abrasive Blasting and Industrial Coatings</li> <li>▪ A Guide to Workplace Health &amp; Safety Committees</li> <li>▪ Health and Safety in the Office</li> <li>▪ Managing Stress in the Workplace</li> <li>▪ Occupational Noise Management</li> <li>▪ Safety Management - A Guide</li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ ACT Building and Construction Industry Safety Handbook</li> <li>▪ A Guide to the OHS Act</li> <li>▪ Guidance on Manual Handling</li> <li>▪ Guidance on the Control of Major Hazard Facilities in the ACT</li> <li>▪ Guidance on the Safe Moving of Clients</li> </ul>

	<ul style="list-style-type: none"><li>▪ Guidance on Workplace Fire and Emergency Systems</li><li>▪ Guidance on Workplace Violence</li><li>▪ Health and Safety in the Office</li><li>▪ Small Business Health and Safety Tool Kit</li></ul>
<b>Seafarers</b>	N/A
<b>Australian Government</b>	See Appendix B
<b>New Zealand</b>	Numerous- Please see website for full list <a href="http://www.osh.dol.govt.nz/">www.osh.dol.govt.nz/</a>

## General Duty of Care

### Who does the OHS Act Cover? (as at 1 July 2003)

	Employers	Employees	Public at workplace	Manufacturers (plant & substance)
<b>New South Wales</b>	Yes	Yes	Yes	Yes
<b>Victoria</b>	No	Yes	Yes	Yes
<b>Queensland</b>	Yes	Yes	Yes	Yes
<b>Western Australia</b>	Yes	Yes	Yes	Yes
<b>South Australia</b>	Yes	Yes	Yes	Yes
<b>Tasmania</b>	Yes	Yes	Yes	Yes - also includes structures
<b>Northern Territory</b>	Yes	Yes	Yes	Yes - ensure that adequate toxicological data in respect of the substance and such other data as is relevant to the safe use, handling, processing, storage, transportation and disposal of the substance is provided when the substance is supplied and thereafter whenever requested.
<b>Australian Capital Territory</b>	Yes	Yes	Yes	Yes
<b>Seafarers</b>	Yes	Yes	Yes	Yes
<b>Australian Government</b>	Yes	Yes	Yes	Yes
<b>New Zealand</b>	Yes	Yes	Yes	Yes - by regulation (plant only)

Installers (plant only)	Designers (plant only)	Suppliers (plant & substance)	Importers (plant & substance)
Yes	Yes	Yes	Yes
Yes - also includes erectors of plant	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes - also includes structures	Yes - also includes structures	Yes - also includes structures	Yes - also includes structures
Yes - also includes structures and erectors of plants	Yes - also includes structures	Yes	Yes
Yes - also includes erectors of plant	Yes - part of the manufacturer's duty	Yes	Yes
Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes
Yes - also includes erectors of plant	Yes - by regulation (plant only)	Yes	Yes - by regulation (plant only)

## Who does the OHS Act Cover (cont'd)?

	Occupiers	Persons in control of workplace
<b>New South Wales</b>	Yes	Yes
<b>Victoria</b>	Yes	Yes
<b>Queensland</b>	Yes	Yes
<b>Western Australia</b>	Yes - but limited to occupiers who have, to any extent, control of a workplace where persons who are not employees work, including by way of contract or lease.	Yes
<b>South Australia</b>	Yes	Yes
<b>Tasmania</b>	Yes	Yes
<b>Northern Territory</b>	Yes - an occupier includes: a) in relation to a workplace, a person who is, or is reasonably believed to be, in charge of the performance of work at the workplace; and b) in relation to any other premises, a person who is, or is reasonably believed to be, in charge of the premises.	Yes - occupier or employer
<b>Australian Capital Territory</b>	Yes - an occupier includes: a) in relation to a workplace, a person who is, or is reasonably believed to be, in charge of the performance of work at the workplace; and b) in relation to any other premises, a person who is, or is reasonably believed to be, in charge of the premises.	Yes - occupier or employer
<b>Seafarers</b>	Refers to operators of prescribed ships or prescribed units. An operator is defined as the person who has the management or control of the ship or unit.	Refers to operators of prescribed ships or prescribed units. An operator is defined as the person who has the management or control of the ship or unit.
<b>Australian Government</b>	N/A	Yes - the employer would be in control of a workplace unless a contractor controls the workplace for construction or maintenance purposes.
<b>New Zealand</b>	Yes	Yes

Self employed	Principal contractors
Yes – duty to members of the public	Yes
Yes	Yes – independent contractors and their employees are deemed to be ‘employees’ of the employer in relation to matters under the employer’s control or for those matters which would have been, except for an agreement between employer and contractor to the contrary; contractors have employer duties towards their own employees.
Yes	Yes
Yes	Yes
Yes	Yes
Yes	Yes
Yes - duty to members of the public	Yes
Yes - duty to members of the public and others at work.	Yes - it does not distinguish between employees in general and principal contractors.
No – unless the self- employed person is a contractor in control of the workplace for the purpose of erecting, maintaining and installing etc.	Yes - contractor provisions apply to principal and subcontractors.
No - unless the self-employed person is a contractor in control of the workplace for the purpose of erecting and installing plant.	Yes - but no specific duties created. An employer who was a principal contractor would have a duty to its contractor over matters it controls.
Yes	Yes

## Who does the OHS Act Cover (cont'd)?

	Others
<b>New South Wales</b>	No other persons are covered under the Act.
<b>Victoria</b>	No other persons are covered under the Act.
<b>Queensland</b>	All persons affected by the way an employer or self-employed person conducts their undertaking. Additional obligation holders: persons who conduct a business or undertaking; and persons in control of buildings used as workplaces.
<b>Western Australia</b>	Additional coverage: Public risk plant Design, erection and installation of structures
<b>South Australia</b>	Other competent persons as specified in Regulations, e.g. engineers
<b>Tasmania</b>	No other persons are covered under the Act.
<b>Northern Territory</b>	A person who supplies any substance for use at a workplace or erects or installs any plant.
<b>Australian Capital Territory</b>	No other persons are covered under the Act.
<b>Seafarers</b>	No other persons are covered under the Act.
<b>Australian Government</b>	Yes - person declared to be an employee under subsection 9(5) of the Act (e.g. volunteers, cadets).
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Principals to a contract (other than residential work)</li> <li>▪ Persons in the vicinity of a place of work</li> <li>▪ Volunteer workers</li> <li>▪ Trainees and people receiving work experience</li> <li>▪ Loaned employees</li> </ul>



## Duties of Care by Employers as at 1 July 2003

	Employers provide and maintain, as far as is practicable, a working environment that is safe and without risks to the health of employees (including apprentices) while they are at work	Employers ensure that people other than workers' are not exposed to health or safety risks arising from work being undertaken
<b>New South Wales</b>	Under NSW OHS legislative provisions there is an absolute requirement for duty holders to maintain a working environment that is safe and without risks. This duty is not limited by a 'as far as is practicable' requirement.	Yes
<b>Victoria</b>	Yes	Yes
<b>Queensland</b>	Yes	Yes
<b>Western Australia</b>	Yes	Yes
<b>South Australia</b>	Yes	Yes
<b>Tasmania</b>	Yes	Yes
<b>Northern Territory</b>	Yes	Yes
<b>Australian Capital Territory</b>	Yes - employee means a person employed under a contract of employment or under a contract of service.	Yes
<b>Seafarers</b>	An operator (may also be an employer) of a prescribed ship or prescribed unit must take all reasonable steps to protect the health and safety at work of employees.	Yes
<b>Australian Government</b>	Yes	Yes
<b>New Zealand</b>	Yes	Yes

### Other duties

In NSW An employer's duty extends without limitation to:

- ensuring any premises controlled by the employer where the employees work, and the means of access to or exit from the premises, are safe and without risks to health.
- ensuring any plant or substance provided for the employees' use is safe and without risks to health when properly used
- ensuring that systems of work are safe and without risks to health
- providing such information, instruction, training and supervision as may be necessary to ensure the employees' health and safety at work
- providing adequate facilities for the welfare of employees while they are at work.

None

None

None

Additional coverage:

self-employed, building designer/owner, building materials, designing, erection and installation of structures. Specific duties for deemed competent persons.

s.19 specifies a person must ensure that he/she is not, by consumption of alcohol or a drug, in such a state to endanger his/her own safety or any other person at a workplace.

Ensure that visitors to a workplace under his or her control and management are aware of the safety requirements relevant to such visitors and that they abide by those requirements or remove a visitor who refuses or fails to abide by those requirements.

Regulations may provide additional duties.

None

Monitor employee's health and safety at work and the condition of workplaces.  
Provide medical and first aid services for employees.

s.16(2) (d) requires an employer to develop, in consultation with the involved union and any other persons the employer considers appropriate, a policy relating to occupational health and safety.

Other duties include:

- train and supervise employees
- provide health and safety information to employees and their representatives
- follow a hierarchy of action in the management of hazards in the workplace
- involve employees in processes to improve health and safety; and
- notify and report accidents and occurrences of serious harm.

**Employers additional or alternative, special or particular duties (as at 1 July 2003) include:**

	<b>Providing and maintaining safe plant &amp; systems of work that minimise health risks</b>	<b>Ensuring that plant and substances are used, handled, stored and transported safely</b>	<b>Giving employees information, instruction, training and supervision, particularly about the plant, equipment and substances (such as chemicals) they use in their work</b>
<b>New South Wales</b>	The obligation to provide and maintain safe plant and systems of work applies without limitation.	Yes	Yes
<b>Victoria</b>	Yes	Yes	Yes
<b>Queensland</b>	Yes	Yes	Yes
<b>Western Australia</b>	Yes	Yes	Yes
<b>South Australia</b>	Yes	Yes	Yes
<b>Tasmania</b>	Yes	Yes	Yes
<b>Northern Territory</b>	Yes	Yes	Yes
<b>Australian Capital Territory</b>	Yes - safe and without risk to health or safety as far as is practicable.	Yes - as far as is practicable	Yes
<b>Seafarers</b>	Yes – safe and without risk to health or safety as far as practicable	Yes – as far as practicable	Yes
<b>Australian Government</b>	Yes	Yes	Yes
<b>New Zealand</b>	Yes- safe and without risk to health or safety as far as is practicable.	Yes - as far as is practicable.	Yes

Other duties
Yes- personal protective equipment, first aid, amenities
<p>Yes, as far as is practicable:</p> <ul style="list-style-type: none"> <li>▪ provide adequate facilities for the welfare of employees</li> <li>▪ monitor the health of the employees</li> <li>▪ keep information and records relating to health and safety of employees</li> <li>▪ employ or engage qualified person to provide advice to the employer in relation to health and safety of employees</li> <li>▪ nominate a person with appropriate seniority to be employer representative</li> <li>▪ monitor conditions at any workplace under control and management of employer; and</li> <li>▪ provide information to employees in appropriate languages about health and safety including the name of a person to whom the employees can make an inquiry or complaint in relation to health and safety.</li> </ul>
None
None
<p>General provisions, plus: identifying and eliminating workplace risks. Providing safe and healthy facilities for welfare of employees. Keeping information about health and welfare of employees including about work-related accidents and injuries.</p> <p>Preparing and maintaining appropriate policies and procedures about OHSW and ensuring employees understand these. Consulting with employees or health and safety representatives. Ensuring provision of information is in pertinent language.</p>
Health monitoring, record keeping, monitoring working conditions, ensuring facilities for employees are in safe and healthy condition; ensuring other persons not affected by work carried on at workplace
Will not wilfully or recklessly interfere with or misuse anything provided in the interests of health and safety in pursuance of this Act; or wilfully place at risk the health or safety of a person at the worker's workplace
<p>Take all reasonably practicable steps to:</p> <ul style="list-style-type: none"> <li>▪ develop and maintain (and bring to the attention of employees) a policy relating to OHS that enables effective cooperation between the employer and the employees in promoting and developing measure to ensure the employees' health and safety at work;</li> <li>▪ take appropriate action to monitor the employee's health and safety at work and the conditions of the workplaces under the employer's control;</li> <li>▪ maintain appropriate information and records relating to the employees' health and safety; and</li> <li>▪ provide appropriate medical and first-aid services for the employees.</li> </ul>
<p>General provisions, plus: identifying and eliminating workplace risks; providing safe and healthy facilities for welfare of employees; keeping information about health and welfare of employees including details of work-related accidents and injuries.</p> <p>Preparing and maintaining appropriate policies and procedures about the <i>Occupational Health and Safety (Maritime Industry) Act 1993</i> and ensuring employees understand these. Consulting with employees or health and safety representatives.</p>
Yes – the employer has duties in respect of Health and Safety Representatives and Occupational Health and Safety Committees.
N/A

### Duties of Care by Employees as at 1 July 2003:

	To take reasonable care of own health and safety while at work and to avoid adversely affecting the health of any other person at or near the workplace	To cooperate with the employer or any other person to fulfil requirements imposed in the interests of safety and health
<b>New South Wales</b>	Yes - take reasonable care for the health and safety of people at the employee's place of work and who may be affected by the employee's acts or omissions at work.	Yes
<b>Victoria</b>	Yes	Yes
<b>Queensland</b>	Yes	Yes
<b>Western Australia</b>	Yes	Yes
<b>South Australia</b>	Yes	Yes
<b>Tasmania</b>	Yes	Yes
<b>Northern Territory</b>	Yes - take reasonable care for the health and safety of people at the employee's place of work and who may be affected by the employee's acts or omissions at work.	Yes
<b>Australian Capital Territory</b>	Yes	Yes
<b>Seafarers</b>	Yes	Yes
<b>Australian Government</b>	Yes	Yes
<b>New Zealand</b>	Yes - take reasonable care for the health and safety of people at the employee's place of work and who may be affected by the employee's acts or omissions at work.	Yes

To use equipment in a safe and proper manner and in accordance with the employer's instructions	Other duties
Yes – include personal protective equipment.	None
No	Yes - not to wilfully or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any provision of an Act or regulations; or wilfully place at risk the health or safety of any person at the workplace.
Yes	Yes - not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety.
Yes	None
Yes	Additional duty to ensure that he/she is not, by the consumption of alcohol or a drug, in such a state as to endanger his/her own safety or that of others at work.
Yes	A person must ensure that he/she is not, by consumption of alcohol or a drug, in such a state as to endanger his/her own safety or any other person at a workplace.
Yes - including personal protective equipment.	None
Yes	None
Yes	None
Yes	None
Yes - including personal protective equipment.	None

**Designers, manufacturers, or suppliers of plant, equipment or substances (such as chemicals), as at 1 July 2003, have a duty to:**

	Ensure that the plant, equipment or substance is safe when properly used	Undertake whatever testing and examination is needed to reduce or eliminate safety risks
<b>New South Wales</b>	Yes – including personal protective equipment	Yes
<b>Victoria</b>	Yes	Yes
<b>Queensland</b>	Yes	Yes
<b>Western Australia</b>	Yes	Yes
<b>South Australia</b>	Yes	Yes
<b>Tasmania</b>	Yes	Yes
<b>Northern Territory</b>	Yes	Yes
<b>Australian Capital Territory</b>	Yes	Yes
<b>Seafarers</b>	Yes – as far as practicable	Yes
<b>Australian Government</b>	Yes	Yes
<b>New Zealand</b>	Yes – as far as practicable, including personal protective equipment.	None

Do whatever is necessary to ensure that workers' who use the plant, equipment or substance have the information they need to use it safely	Other duties
Yes – by regulation, but duty is to purchasers or hirers only.	Yes - general risk management obligations.
Yes	None
Yes	None
Yes	None
Yes	Make sure plant, equipment and substances are safe when properly used or handled.
Yes	Duties on persons who install any temporary public stands, and duties in relation to toxicological data relating to storage, handling and use.
Yes	Ensure adequate toxicological data and such other data as is relevant to the safe use, handling, processing, storage, transportation and disposal of the substance.
Yes	None
Yes	Make available first aid and medical procedures that should be followed if the substances cause injury
Yes	None
Yes - by regulation, but duty is to purchasers or hirers only.	None

# Reporting Requirements

## The maximum length of time a workplace has to notify and report as at 1 July 2003:

	An accident or illness resulting in death	A serious bodily injury
<b>New South Wales</b>	Immediately the occupier becomes aware. In addition: <ul style="list-style-type: none"> <li>where the incident involves a worker it must be notified to the workers' compensation insurer within 48 hours.</li> <li>where the incident does not involve a worker it must be notified to WorkCover within 7 days (using an online form or by phone).</li> </ul>	Immediately the occupier becomes aware. In addition: <ul style="list-style-type: none"> <li>where the incident involves a worker it must be notified to the workers' compensation insurer within 48 hours.</li> <li>where the incident does not involve a worker it must be notified to WorkCover within 7 days (using an online form or by phone).</li> </ul>
<b>Victoria</b>	Incident: notify - immediately on becoming aware; written record to be provided within 48 hours of notification.	Notify immediately on becoming aware; written record to be provided within 48 hours of notification.
<b>Queensland</b>	24 hours	24 hours
<b>Western Australia</b>	Forthwith	Forthwith
<b>South Australia</b>	Work injuries causing death must be notified by phone or fax as soon as practicable after injury; and in any case within 24 hours.	Work injuries causing serious bodily injury must be notified by phone or fax as soon as practicable after injury.
<b>Tasmania</b>	Employer or principal must notify an inspector by the quickest available means and provide written notification within 48 hours.	Employer or principal must notify an inspector by the quickest available means and provide written notification within 48 hours.
<b>Northern Territory</b>	Accidents must be reported as soon as possible and a written report submitted to NT WorkSafe within 7 days.	Immediately after the employer is aware the worker will be absent from work for 5 working days or more.
<b>Australian Capital Territory</b>	OHS Regulations 1991, Regulation 5 An employer shall give notice under the Act, section 85 to the commissioner as soon as practicable and in any event within 7 days.	OHS Regulations 1991, Regulation 5 An employer shall give notice under the Act, section 85 to the commissioner as soon as practicable and in any event within 7 days.
<b>Seafarers</b>	If death; serious personal injury or where injury may result in lost time of 5 or more days must give notice within 4 hours of becoming aware of the incident and give report within 72 hours, or as soon as practicable.	If death; serious personal injury or where injury may result in lost time of 5 or more days must give notice within 4 hours of becoming aware of the incident and give report within 72 hours, or as soon as practicable.
<b>Australian Government</b>	By phone within 2 hours of becoming aware of the death. If the accident, results in the death of more than one person, an employer is not obliged to report to Comcare until the names of all deceased persons are known to the employer.	Within 24 hours
<b>New Zealand</b>	As soon as possible after its occurrence; and in writing within 7 days.	As soon as possible after its occurrence; and in writing within 7 days.

A work caused illness	A dangerous event
7 days	7 days where no immediate threat to life. Immediately if threat to life.
Notify immediately on becoming aware of person requiring medical treatment within 48 hours of exposure to a substance; written record to be provided within 48 hours of notification.	Notify immediately on becoming aware; written record to be provided within 48 hours of notification.
3 days	3 days
Forthwith for specified disease (see OHS Regulations 1996, Regulation 2.5 for specified diseases).	Employer to safety and health representative forthwith (OHS Regulations 1996, section 35(1)(f)).
All injuries and illnesses, apart from <i>immediately notifiable</i> incidents, are notified through the workers' compensation claim system.	Immediate notice by telephone or fax of dangerous occurrences, as defined, to be notified as soon as practicable after occurrence, plus written notification to be provided within 24 hours.
Employer or principal must notify an inspector by the quickest available means and provide written notification within 48 hours	Employer or principal must notify an inspector by the quickest available means and provide written notification within 48 hours
Immediately after the employer is aware the worker will be absent from work for 5 working days or more	Immediately after the employer is aware the worker will be absent from work for 5 working days or more
OHS Regulations 1991, Regulation 5 An employer shall give notice under the Act, section 85 to the commissioner as soon as practicable and in any event within 7 days.	OHS Regulations 1991, Regulation 5 An employer shall give notice under the Act, section 85 to the commissioner as soon as practicable and in any event within 7 days.
If caused by an accident and requiring emergency or hospital treatment.	Within 4 hours or as soon as possible.
Within 24 hours of the employer becoming aware of the incapacity.	Within 24 hours of the employer becoming aware of the occurrence.
As soon as possible after its occurrence; and in writing within 7 days.	Must be recorded in a register.

## Reporting requirements for work injuries and dangerous incidents as at 1 July 2003

	To whom should these events be notified?	How long must the scheme retain each incident report?
<b>New South Wales</b>	WorkCover NSW In some circumstances work injuries may be notified to the insurer only.	A minimum of 7 years by legislation, with no period specified to remove or cull records.
<b>Victoria</b>	The Victorian WorkCover Authority	At least 5 years
<b>Queensland</b>	Workplace Health and Safety Queensland	No period specified
<b>Western Australia</b>	WorkSafe Western Australia Commissioner	Managed in accordance with official records practices.
<b>South Australia</b>	Some to Workplace Services and some to WorkCover.	No period specified
<b>Tasmania</b>	An inspector	Fatal – permanent record kept. Non-fatal -seven years
<b>Northern Territory</b>	NT WorkSafe	Not specified
<b>Australian Capital Territory</b>	The OHS Commissioner	5 years
<b>Seafarers</b>	Australian Maritime Safety Authority	The operator must keep the records for 5 years
<b>Australian Government</b>	Comcare	30 years
<b>New Zealand</b>	The Secretary of Labour	All records retained by the Department of Labour until released to the National Archives



# OHS Representatives and Committees

	What are the relevant Acts and Regulations that apply to OHS Representatives and Committees as at 1 July 2003?
<b>New South Wales</b>	<i>Occupational Health and Safety Act 2000</i> <i>Occupational Health and Safety Regulation 2001</i> <i>Coal Mines Regulation Act 1982</i>
<b>Victoria</b>	<i>Occupational Health and Safety Act 1985</i>
<b>Queensland</b>	<i>Workplace Health and Safety Act 1995</i>
<b>Western Australia</b>	<i>Occupational Safety and Health Act 1984, Sections 29–41</i> <i>Occupational Safety and Health Regulations 1996, Regulations 2.2, 2.3, 2.7</i>
<b>South Australia</b>	<i>Occupational Health, Safety and Welfare Act 1986, Sections 26–36, 56.</i> <i>Occupational Health, Safety and Welfare Regulations 1995, Divisions 6.1 and 6.2</i>
<b>Tasmania</b>	OHS Committee: <i>Workplace Health and Safety Act 1995, Part 5</i> Employee Safety Representative: <i>Workplace Health and Safety Act 1995, section 32</i> and <i>Workplace Health and Safety Regulations 1998, Part 3, Division 2</i>
<b>Northern Territory</b>	<i>Work Health Act 1986 Division 4A, s44a</i>
<b>Australian Capital Territory</b>	<i>Occupational Health &amp; Safety Act 1989</i> <i>Occupational Health and Safety Regulations 1991</i> <i>Public Sector Management Act 1994 (Schedule 3 – Modifications and adaptations of Occupational Health and Safety Act 1989 in its application to public employees)</i>
<b>Seafarers</b>	<i>Occupational Health and Safety (Maritime Industry) Act 1993</i> <i>Occupational Health and Safety (Maritime Industry) Regulations 1995 (as amended)</i>
<b>Australian Government</b>	<i>Occupational Health and Safety (Commonwealth Employment) Act 1991.</i> <i>Occupational Health and Safety (Commonwealth Employment) Regulations 1991.</i>
<b>New Zealand</b>	<i>Health and Safety in Employment Act 1992</i>

**Is every workplace covered under the Act and/or Regulations required to have an OHS representative(s) or committee as at 1 July 2003?**

No - only when at least one employee wants an OHS representative, or WorkCover directs or employer directs.

No - only following request of an employee for the establishment of a designated work group (DWG).

No

No

OHS Committee - No, only when more than 20 employees or when requested by Health and Safety Representative or 5 or more employees.  
OHS Representative - No, only when requested by employees.

OHS Committee - No, only in workplaces with 20 or more employees, by request  
Employee Safety Representative: No, only in workplaces with 10 or more employees, by request

In Tasmania there is provision for Health and Safety Committees and Employee Safety Representatives (ESR). An ESR is distinct from a representative on the OHS Committee, but an ESR may be elected or appointed to be a representative on an OHS committee.

No- however in workplaces with 20 or more employees where the majority of those employees requests a committee, a committee must be formed.

No - an employer who employs 10 or more employees is required to establish a designated work group (DWG) who may elect a Health and Safety Representative.

No - only following request of an employee for the establishment of a designated work group (DWG)

No

No - employers with more than 30 employees (or if less than 30 – where the employees request a system) must work in good faith with the employees to develop a system for employee participation in the ongoing management of health and safety.

## Is there a requirement in the Act for OHS representatives as at 1 July 2003?

	Occupational Health and Safety Representatives (HSR)	Deputy HSR
<b>New South Wales</b>	No - only when at least one employee wants an OHS representative, or WorkCover directs or employer directs.	No
<b>Victoria</b>	No – decision to elect by members of a Designated Work Group (DWG).	No
<b>Queensland</b>	No - only if required by workers.	No
<b>Western Australia</b>	Yes - if requested by employees.	No
<b>South Australia</b>	No - employers have 14 days to respond in situations where employees request an HSR be elected.	Yes - members of a work group may elect one person to be a deputy to the HSR.
<b>Tasmania</b>	No - ESR: only if 10 or more employees employed at the workplace decide.	No for both OHS Committee and ESR.
<b>Northern Territory</b>	No	No
<b>Australian Capital Territory</b>	No - an employer who employs 10 or more employees is required to establish a DWG who may elect an HSR.	Yes, a designated work group may also elect a Deputy HSR.
<b>Seafarers</b>	No - when a DWG is formed, members of the DWG may select an HSR. There is no requirement to have an HSR.	No
<b>Australian Government</b>	No - when a DWG is formed, members of the DWG may select an HSR and, if they wish, a Deputy HSR. There is no requirement to have an HSR.	No - when a DWG is formed, members of the DWG may select an HSR and, if they wish, a Deputy HSR. There is no requirement to have an HSR.
<b>New Zealand</b>	HSR may be part of an agreed system.	Deputy HSRs may be part of an agreed system.

OHS Committees	Designated Work Group (DWG)
Yes - where there are 20 employees or more and the majority want a committee or WorkCover or employer directs.	Yes - where requested by an employee, or where employer initiates negotiations with employees.
Yes - where requested by HSR or where required by regulation, and after consultation with employer or employer representative; employer must establish OHS Committee within three months of request.	No
Yes - if required.	Yes - work group agreed between employers, employees and their representatives.
Yes - if requested by employees.	No - area of responsibility agreed by consultation
Yes - in workplaces with more than 20 employees when requested by HSR or by 5 or more employees	No - area of responsibility agreed by consultation
Yes - if requested by more than 20 employees at the workplace, employer must establish a Health and Safety Committee within 2 months of request.	No
Yes - in workplaces with more than 20 employees and where more than 50% request one.	No
There is no mandatory provisions in the Act requiring the formation of Health and Safety Committees. However, these joint employee/management bodies are encouraged.	Yes - an employer must establish DWG(s) within 14 days of becoming an employer of 10 or more employees.
Yes - if a request is made.	Yes
A committee must be established at a workplace if: <ul style="list-style-type: none"> <li>▪ there are 50 or more employees at the workplace; and</li> <li>▪ the employees are in one or more DWG; and</li> <li>▪ an HSR or an involved union requests the employer to establish the committee.</li> </ul>	The Act allows an involved union or, if no involved union, an employee to request an employer to enter into consultation to establish DWGs or to vary existing DWGs. After receiving the request, the employer must within 14 days enter into consultation with involved unions or the employee.
OHS Committees may be part of an agreed system.	May be part of an agreed system.

### Other considerations as at 1 July 2003:

	Are Health and Safety Representatives elected?	What is the maximum term for which a Health and Safety Representative can be elected?
<b>New South Wales</b>	Yes	2 years
<b>Victoria</b>	Yes - decision of members of DWG.	N/A
<b>Queensland</b>	Yes	N/A
<b>Western Australia</b>	Yes	2 years – re-election permissible.
<b>South Australia</b>	Yes - by and from work groups.	3 years
<b>Tasmania</b>	OHS Committee members: May be elected by employees or appointed by the employer. Unless otherwise agreed, not less than half are to be elected by employees. ESR: Elected by employees	OHS Committee members: At the discretion of the employer ESR: 3 years
<b>Northern Territory</b>	Yes	N/A
<b>Australian Capital Territory</b>	Selection of an HSR may be achieved by holding an election, although this is not mandatory.	2 years - re-election permissible.
<b>Seafarers</b>	Yes	2 years - re-election permissible.
<b>Australian Government</b>	Yes	2 years or the period agreed to during consultation on the establishment or variation of the DWG.
<b>New Zealand</b>	Yes - as a default option should no agreement be reached on a participation system, employees or their union can elect one or more HSR or employee representatives for a OHS Committee.	Not specified, but an agreed system must contain a date for review.

Are HSR elections run by Unions?	Is paid leave provided for HSR training?
Yes - if majority of employees request it.	Yes
No - manner of election determined by employees – may ask Authority to appoint person to conduct election.	Yes
N/A	N/A
No - manner of election to be determined in consultation between employer and employee delegates.	Yes Introductory course – paid leave currently 5 days as accredited under section 14(1)(h). One post-introductory course every two years with or without pay as agreed between HSR and employer.
Yes - if requested by work group.	Yes - entitled to at least 5 days paid leave per year for training.
OHS Committee: Not specified. ESR: Union officer may act as returning officer.	OHS Committee members: Yes - to attend training courses. ESR: Yes - to attend training courses.
No - no formal role for union in Act.	No
Yes - in relation to public employees.	Yes
Yes	Yes
Yes <ul style="list-style-type: none"> <li>▪ if there is only one involved union – by that involved union;</li> <li>▪ if more than one involved union – by the specific union agreed to by all the involved unions; or</li> <li>▪ if no involved union, by a person authorised by the Commission to conduct elections.</li> </ul>	Yes
Yes	Yes - 2 days paid leave each year, to a maximum entitlement for an employer.

## Powers of OHS representatives as at 1 July 2003 - can OHS representatives do the following:

	Inspect the workplace?	Accompany an inspector during an inspection?
<b>New South Wales</b>	Yes	Yes
<b>Victoria</b>	Yes	Yes
<b>Queensland</b>	Yes	Yes
<b>Western Australia</b>	Yes	Yes - if requested by the inspector.
<b>South Australia</b>	Yes	Yes
<b>Tasmania</b>	OHS Committee member: Yes ESR: Yes	OHS Committee member: Yes - if requested by the inspector. ESR: Yes - if requested by the inspector.
<b>Northern Territory</b>	Yes - with agreement of employer or with notice if it has not been inspected within the previous 30 days.	Not specified
<b>Australian Capital Territory</b>	Yes if: a) there has, in the immediate past, been an accident or a dangerous occurrence at the workplace; or b) the health & safety representative believes on reasonable grounds that there is an immediate threat of an accident or dangerous occurrence at the workplace; or c) the health & safety representative has given the employer reasonable notice of the inspection.	Yes
<b>Seafarers</b>	Yes if: a) the health & safety representative believes on reasonable grounds that there is an immediate threat of an accident or dangerous occurrence at the workplace; or b) the health & safety representative has given the employer reasonable notice of the inspection.	Yes – after consultation with employer or representative.
<b>Australian Government</b>	Yes - in specified circumstances	Yes
<b>New Zealand</b>	Yes	Yes

Attend interviews between employee and management/ inspectors on OHS issues?	Have access to employer's OHS information?	Recommend and approve OHS training?
Yes - at request of employee.	Yes	Recommend only
Yes - after consultation with employer or representative and with employee consent.	Yes	No
Yes	Yes	No
Yes - if requested by the employee.	Yes	No
Yes - if requested by the employee.	Yes	No
OHS Committee member: No ESR: Yes	OHS Committee member: Yes ESR: Yes	OHS Committee member: No - may consider and make recommendations only. ESR: No
Not specified	Yes	Yes
Yes	Yes - except information that attracts legal professional privilege or, where information is of a confidential medical nature, only with written consent of the person's whose information it is, or in a form that does not identify the person or enable the identity of the person to be discovered.	No
Yes	Yes – but only with consent of employee if it is information relating to a medical condition.	No
Yes - with the consent of the employee.	Yes, except where: <ul style="list-style-type: none"> <li>▪ the employer claims legal professional privilege;</li> <li>▪ a person has not given consent to the release of their confidential medical information;</li> <li>▪ the medical information is in a form that enables a person to be identified.</li> </ul>	No
Yes - if the employer and employees agree that this is an OHS representative's role.	Yes - if the employer and employees agree that this is an OHS representative's role.	Yes - if the employer and employees agree that this is an OHS representative's role.

## Powers of OHS representatives: (cont'd)

	Issue/revoke provisional improvement notices?	Direct cessation of dangerous work?
<b>New South Wales</b>	No	No
<b>Victoria</b>	Yes - issue only; failure of employer to comply with a provisional improvement notice is an offence unless inspector called in within 7 days and notice is cancelled by inspector; inspector may confirm, amend, or cancel.	Yes
<b>Queensland</b>	No	No
<b>Western Australia</b>	No	No
<b>South Australia</b>	Yes - Default Notices (Section 35, <i>Occupational Health, Safety and Welfare Act, 1986</i> )	Yes
<b>Tasmania</b>	OHS Committee member: No ESR: No	OHS Committee member: No ESR: Yes
<b>Northern Territory</b>	Not specified - although other duties can be given to the committee with the consent of the employer.	No
<b>Australian Capital Territory</b>	Yes	Yes
<b>Seafarers</b>	Yes	Yes
<b>Australian Government</b>	Yes	Yes - if an immediate threat to health and safety exists to a member of their DWG and no supervisor can be contacted.
<b>New Zealand</b>	No	No

Other powers of OHS Representatives
Assist in the development of arrangements for recording workplace hazards and accidents
None
None
Must carry out immediately an investigation after an accident, a dangerous occurrence, or a risk of imminent and serious injury to, or imminent or serious harm to the health of any person at the workplace.
<p>OHS Representatives may:</p> <ul style="list-style-type: none"> <li>▪ conduct investigations of accidents and/or injuries; and</li> <li>▪ have access and the right to accompany OHS consultant (approved by the Minister).</li> </ul>
<p>OHS Committee member: None</p> <p>ESR: None</p>
None - the OHS committee's functions are only advisory i.e. to make recommendations to the employer.
Assist with dissemination of information and implement measures to protect health
<p>Can make a request to an inspector that an investigation be conducted.</p> <p>If there is no OHS Committee they can represent the employees in consultation with the employer concerning the development, implementation and review of OHS measures.</p> <p>Examine the records of the OHS Committee.</p> <p>Investigate complaints made by any employee in the DWG concerning the health and safety of any employee in the DWG.</p> <p>An HSR is entitled to be assisted by a consultant.</p>
<p>Can make a request to Comcare that an investigation be conducted.</p> <p>If there is no OHS Committee – represent the employees in consultation with the employer concerning the development, implementation and review of OHS measures.</p> <p>Examine the records of the OHS Committee.</p> <p>Investigate complaints made by any employee in the DWG concerning the health and safety of any employee in the DWG.</p> <p>An HSR may be assisted by a consultant subject to approval by the employer or Comcare.</p>
<p>A trained representative may issue a hazard notice to the employer where there is not agreement on what to do about a hazard.</p> <p>Representatives may confirm an employee's right to refuse work they consider unsafe.</p>

## Set up of OHS committees as at 1 July 2003

	What are the requirements to set up an OHS committee?
<b>New South Wales</b>	Section 17 of the <i>Occupational Health and Safety Act 2000</i> . If an employer employs 20 or more persons and the majority request a committee or WorkCover directs or employer directs.
<b>Victoria</b>	Where requested by HSR or where required by regulation, and after consultation with employer or employer representative; employer must establish within three months of request
<b>Queensland</b>	At request of workers.
<b>Western Australia</b>	Established at request of employer, an employee or if directed by WorkSafe Western Australia Commissioner.  Employer has 3 months to comply. Membership includes HSRs or persons elected by employees, and employer representatives.  Committees must meet at least every 3 months.
<b>South Australia</b>	There is a requirement for an employer with more than 20 employees to set up a committee at the request of: <ul style="list-style-type: none"> <li>• a safety representative; or</li> <li>• a prescribed number of employees (5 employees); or</li> <li>• a majority of the employees at the workplace</li> </ul> <p>At least half the committee must be employee representatives as defined in s26a of the <i>Occupational Health, Safety &amp; Welfare Act 1986</i>.</p> <p>The chairperson must be an elected member of the committee and the committee must meet at least once every 3 months.</p> <p>Employers with less than 20 employees are encouraged to consult in a less formal setting in accordance with <i>Occupational Health, Safety and Welfare Regulations 1995</i>, Division 6.1.</p>
<b>Tasmania</b>	If requested by more than 20 employees at the workplace, employer must establish a health and safety committee within 2 months of request.
<b>Northern Territory</b>	If requested by a majority of more than 20 persons working at a workplace and within 3 months of the request.
<b>Australian Capital Territory</b>	In relation to public employees an OHS committee must be established where there are more than 50 employees at a particular workplace who are in one or more Designated Work Group and the Health and Safety Representative or union requests the establishment of an OHS committee.  There is no mandatory provision in the Act requiring the formation of Health and Safety Committees for private employees. However, these joint employee/management bodies are encouraged.
<b>Seafarers</b>	An OHS Committee must be established if a Designated Work Group (DWG) exists and requested to do so. They must comprise the person in command and the OHS representatives for each DWG or person in command and such others as agreed between the operator and involved union.  A committee must hold meetings at least once every 3 months.  Minutes of the meetings of the committee must be kept and retained for a minimum period of 3 years.

<b>Australian Government</b>	<p>A committee must be established at a workplace if:</p> <ul style="list-style-type: none"> <li>▪ there are 50 or more employees at the workplace; and</li> <li>▪ the employees are in one or more Designated Work Group; and</li> <li>▪ an HSR or an involved union requests the employer to establish the committee.</li> </ul> <p>A committee must hold meetings at least once every 3 months.</p> <p>Minutes of the meetings of the committee must be kept and retained for a minimum period of 3 years.</p>
<b>New Zealand</b>	<p>None.</p> <p>Employers with more than 30 employees (or if less than 30 - where the employees request a system) must work in good faith with the employees and their union(s) to develop a system for employee participation in the ongoing management of health and safety.</p>

## Functions of OHS committees as at 1 July 2003

	Assist to develop, implement, review and make recommendations on OHS measures in the workplace	Facilitate consultation and cooperation between employer and employees regarding OHS matters	Assist in the dissemination of OHS information to employees
<b>New South Wales</b>	Yes	Yes	Yes
<b>Victoria</b>	Yes	Yes	Yes
<b>Queensland</b>	Yes	Yes	Yes
<b>Western Australia</b>	Yes	Yes	Yes
<b>South Australia</b>	Yes	Yes	Yes
<b>Tasmania</b>	Yes	Yes	Yes
<b>Northern Territory</b>	Yes	Yes	Yes
<b>Australian Capital Territory</b>	Yes	Yes	Yes
<b>Seafarers</b>	Yes	Yes	Yes
<b>Australian Government</b>	Yes	Yes	Yes
<b>New Zealand</b>	If the employer and employees agree that this is an OHS committee role.	If the employer and employees agree that this is an OHS committee role.	If the employee and employees agree that this is an OHS committee role.

Other functions.
Yes - such as prescribed by regulation.
None
Review rehabilitation developments and assist employees to return to work. Review employment of employees with disabilities.
Committee makes recommendations to employer on training and education in the workplace. Other functions agreed between employer and committee.
Perform such other functions as may be prescribed, or given to the committee, with its consent, by an employer.
Other functions as prescribed or agreed upon between the employer and the committee.
Other functions as agreed upon between the employer and the committee. To perform its functions, a committee has the power to do all functions as agreed upon by the operator and OHS committee.
Other functions as agreed upon between the employer and the committee. To perform its functions, a committee has the power to do all things necessary or convenient to be done.
Any functions agreed by the employer and employees.

# Consultation Requirements

## Employer's obligations regarding consultation with OHS representatives and committees as at 1 July 2003

	Record consultation arrangements	Consult about implementation of changes which may affect health or safety	Permit the representative/ committee access to workplace to undertake inspections	Consult on development, implementation and review of OHS measures
<b>New South Wales</b>	Yes	Yes	Yes	Yes
<b>Victoria</b>	No	Yes - if practicable	Yes - HSR	Yes - committee
<b>Queensland</b>	Yes	Yes	Yes	Yes
<b>Western Australia</b>	No	Yes	Yes	Yes
<b>South Australia</b>	Yes	Yes	Yes	Yes – consult on proposed changes to OHS measures
<b>Tasmania</b>	OHS Committee: No ESR: No	OHS Committee: Yes ESR: Yes	OHS Committee: Yes ESR: Yes	OHS Committee: Yes ESR: Yes
<b>Northern Territory</b>	No	Yes	Yes	Yes
<b>Australian Capital Territory</b>	No	Yes	Yes	Yes
<b>Seafarers</b>	Yes	Yes - with HSR	Yes - with HSR	Yes - with HSR
<b>Australian Government</b>	Yes	Yes - with HSR	Yes - with HSR	Yes - with HSR
<b>New Zealand</b>	If the employer and employees agree that this is an OHS representative or committee role.	If the employer and employees agree that this is an OHS representative or committee role.	If the employer and employees agree that this is an OHS representative or committee role.	If the employer and employees agree that this is an OHS representative or committee role.

Notify representative/ committee of workplace accidents, incidents and dangerous occurrences	Permit the representative/ committee member to be present at all interviews with employees concerning OHS issues (with consent of employee)	Permit access to OHS information	Allow such time off with pay as is necessary and reasonable so powers can be exercised	Provide reasonable facilities in which to conduct elections, meetings and inspections etc.
Yes	Yes	Yes	Yes	Yes
No - no specific requirement	Yes - HSR	Yes - HSR	Yes - HSR	Yes - for HSR
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes - employers have a legal requirement to report to Health and Safety Representative.	Yes	Yes	Yes	Yes
OHS Committee: Yes ESR: Not specified	OHS Committee: No ESR: Yes.	OHS Committee: Yes ESR: Yes	OHS Committee: Yes ESR: Not specified	OHS Committee: Yes ESR: Not specified
Yes	Not specified	Yes	No	Yes
No - no specific requirement	Yes	Yes	Yes	Yes
Yes	Yes - HSR	Yes	Yes	Yes - for HSR
Yes	Yes - HSR	Yes	Yes	Yes - for HSR
If the employer and employees agree that this is an OHS representative or committee role.	If the employer and employees agree that this is an OHS representative or committee role.	Employers have a duty to provide HSRs with ready access to sufficient information for them to perform their role.	If the employer and employees agree that this is an OHS representative or committee role.	N/A

# Targeted Industries and Sectors

State	Which industries and sectors have been targeted for enforcement strategies as at 1 July 2003?
<b>New South Wales</b>	Industry teams and Industry Reference Groups generally identify and target industry sectors on the basis of current and emerging needs. In recent times particular assistance is being provided to small business operators.
<b>Victoria</b>	<p>The targeted industries and sub-sectors are:</p> <ul style="list-style-type: none"> <li>▪ Construction <ul style="list-style-type: none"> <li>- Concreting</li> <li>- Earthmoving</li> <li>- Electrical</li> <li>- Plastering</li> <li>- Plumbing</li> </ul> </li> <li>▪ Manufacturing <ul style="list-style-type: none"> <li>- Food</li> <li>- Labour Hire</li> <li>- Meat</li> <li>- Poultry</li> <li>- Textiles</li> <li>- Vehicle part</li> </ul> </li> <li>▪ Public Sector and Community Services <ul style="list-style-type: none"> <li>- Budget sector (other)</li> <li>- Department of Human Services</li> <li>- Education</li> <li>- Hospitals</li> <li>- Local Government</li> <li>- Victoria Police</li> </ul> </li> <li>▪ Transport and Storage <ul style="list-style-type: none"> <li>- Retail</li> <li>- Road and Rail Transport (excluding other road and rail)</li> <li>- Storage</li> <li>- Wholesale trade (excluding other)</li> </ul> </li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ Amusement devices</li> <li>▪ Apprentices and Trainees in Meat Manufacturing &amp; Processing</li> <li>▪ Apprentices and Trainees in Metal Manufacturing</li> <li>▪ Apprentices and Trainees in Wood Manufacturing</li> <li>▪ Cooling Towers</li> <li>▪ Cotton Gins</li> <li>▪ Dangerous Goods</li> <li>▪ Fibreglass fabrication</li> <li>▪ Furniture coating</li> <li>▪ Glutaraldehyde</li> <li>▪ Guard Rail Systems in Construction</li> <li>▪ Hazard Based Construction Regulation</li> <li>▪ Hazardous substances</li> <li>▪ Hazardous substances</li> <li>▪ Horse Riding Schools</li> <li>▪ Manual Tasks</li> <li>▪ Packing Sheds</li> <li>▪ Power presses</li> <li>▪ Rural Mobile Plant</li> <li>▪ Sawmills and forest harvesting</li> <li>▪ Shopping Trolleys</li> <li>▪ Soil Testing Vehicles</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Spray painting in the Boating industry</li> <li>▪ Tower Cranes</li> <li>▪ Vehicle hoists</li> <li>▪ Wine Industry</li> </ul>
<b>Western Australia</b>	<p>WA will continue to focus its enforcement activity in the following priority areas:</p> <ul style="list-style-type: none"> <li>▪ Electricity</li> <li>▪ Forklifts</li> <li>▪ Hazardous substances</li> <li>▪ Manual handling (lifting)</li> <li>▪ New and young workers</li> <li>▪ Slips and trips</li> <li>▪ Work at heights</li> </ul> <p>And in these priority industries:</p> <ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Construction</li> <li>▪ Fishing</li> <li>▪ Manufacturing</li> <li>▪ Retail trade</li> <li>▪ Transport</li> </ul> <p>WA is undertaking enforcement activity consistent with the Heads of Workplace Safety Authorities national compliance campaigns arising from the <i>National OHS Strategy 2002–2012</i> i.e. young workers' in manufacturing, manual handling tasks in the health and community services sector and falls from heights in construction.</p>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Construction</li> <li>▪ Electrical hazards</li> <li>▪ Health and community services</li> <li>▪ Manufacturing</li> <li>▪ Plant safety</li> <li>▪ Scaffolding</li> <li>▪ Transport and storage</li> <li>▪ Working at heights</li> </ul>
<b>Tasmania</b>	All Sectors (dependent on budgetary constraints)
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Child Care</li> <li>▪ Construction</li> <li>▪ Gas</li> <li>▪ Public Sector</li> <li>▪ Retail</li> <li>▪ Tourism</li> <li>▪ Transport</li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ Construction</li> <li>▪ Contract cleaners in ACT Public Schools</li> <li>▪ Fireworks industry</li> <li>▪ Forklifts</li> <li>▪ Mobile cranes</li> <li>▪ Retail</li> <li>▪ Sex industry</li> <li>▪ Temporary traffic management (roadwork sites)</li> </ul>
<b>Seafarers</b>	All sectors covered by the <i>Occupational Health and Safety (Maritime Industry) Act 1993</i> .

<b>Australian Government</b>	Australian Government employment
<b>New Zealand</b>	<ul style="list-style-type: none"><li>▪ Construction</li><li>▪ Extractive industries</li><li>▪ Forestry</li><li>▪ Meat processing</li><li>▪ Road transport</li><li>▪ Small manufacturers</li></ul>

<b>Which industries and sectors have been targeted for prevention and educational programs as at 1 July 2003?</b>	
<b>New South Wales</b>	Industry teams and Industry Reference Groups identify and target industry sectors on the basis of current and emerging needs.
<b>Victoria</b>	<p>The targeted industries and sub-sectors are:</p> <ul style="list-style-type: none"> <li>▪ Construction <ul style="list-style-type: none"> <li>- Concreting</li> <li>- Earthmoving</li> <li>- Electrical</li> <li>- Plastering</li> <li>- Plumbing</li> </ul> </li> <li>▪ Manufacturing <ul style="list-style-type: none"> <li>- Food</li> <li>- Labour hire</li> <li>- Meat</li> <li>- Poultry</li> <li>- Textiles</li> <li>- Vehicle parts</li> </ul> </li> <li>▪ Public Sector and Community Services <ul style="list-style-type: none"> <li>- Budget sector (other)</li> <li>- Department of Human Services</li> <li>- Education</li> <li>- Hospitals</li> <li>- Local Government</li> <li>- Victoria Police</li> </ul> </li> <li>▪ Transport and Storage <ul style="list-style-type: none"> <li>- Retail</li> <li>- Road and Rail Transport (excluding other road and rail)</li> <li>- Storage</li> <li>- Wholesale trade</li> </ul> </li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ 2003 Amendments to the Workplace Health and Safety Act 1995</li> <li>▪ People handling</li> <li>▪ Tilt-up construction</li> </ul>
<b>Western Australia</b>	<p>WA will continue to focus its education activity in the following priority areas:</p> <ul style="list-style-type: none"> <li>▪ Electricity</li> <li>▪ Forklifts</li> <li>▪ Hazardous substances</li> <li>▪ Manual handling (lifting)</li> <li>▪ New and young workers</li> <li>▪ Slips and trips</li> <li>▪ Work at heights</li> </ul> <p>And in these priority industries:</p> <ul style="list-style-type: none"> <li>▪ Aged Care</li> <li>▪ Agriculture</li> <li>▪ Construction</li> <li>▪ Manufacturing</li> <li>▪ Public Sector</li> <li>▪ Retail trade</li> <li>▪ Transport</li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Amusement structures</li> <li>▪ Aquaculture industry</li> <li>▪ Elevated work platform use</li> <li>▪ Major workplace hazards</li> <li>▪ Meat processing</li> <li>▪ Mines and quarry</li> </ul>

	<ul style="list-style-type: none"> <li>▪ New employers</li> <li>▪ Wine and brandy</li> </ul> <p>Targeted Safer industries include:</p> <ul style="list-style-type: none"> <li>▪ Aged care</li> <li>▪ Automotive components</li> <li>▪ Civil construction</li> <li>▪ Cleaning and property services</li> <li>▪ Greenfield sites, new workers' and small business.</li> <li>▪ Horticulture</li> <li>▪ Hospitality</li> <li>▪ Labour hire</li> <li>▪ Meat processing</li> <li>▪ Metal products</li> <li>▪ Motor and road freight transport.</li> <li>▪ Plastics and rubber</li> <li>▪ Retail – food</li> </ul> <p>WorkCover Corporation also supports prevention and education across a range of sectors and industries through its targeted Research and Education Grants program.</p>
<b>Tasmania</b>	All Sectors (dependent on budgetary constraints)
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Child Care</li> <li>▪ Construction</li> <li>▪ Gas</li> <li>▪ Public Sector</li> <li>▪ Retail</li> <li>▪ Tourism</li> <li>▪ Transport</li> </ul>
<b>Australian Capital Territory</b>	<ul style="list-style-type: none"> <li>▪ Accommodation, cafes and restaurants</li> <li>▪ Construction</li> <li>▪ Education</li> <li>▪ Health and community services</li> <li>▪ Major public events</li> <li>▪ Property and business</li> <li>▪ Retail</li> </ul>
<b>Seafarers</b>	All sectors covered by the <i>Occupational Health and Safety (Maritime Industry) Act 1993</i>
<b>Australian Government</b>	Australian Government employment
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> <li>▪ Construction</li> <li>▪ Extractive industries</li> <li>▪ Forestry</li> <li>▪ Meat processing</li> <li>▪ Road transport</li> <li>▪ Small manufacturers</li> </ul>



# Penalty Provisions

## Penalty provisions as at 1 July 2003

	Provision for on the spot fines	Maximum amount for on the spot fines	Maximum penalty for individuals
<b>New South Wales</b>	Yes - called penalty notices	\$1 500 - OHS \$750 - WC	\$82 500
<b>Victoria</b>	Yes - the Occupational Health and Safety Act allows for the provision of Infringement Notices regulations but regulations have yet to be made.	\$1 000	\$50 000
<b>Queensland</b>	Yes	\$1 500	\$150 000
<b>Western Australia</b>	No	N/A	\$20 000 employee
<b>South Australia</b>	Proposed in the SafeWork SA Amendment Bill before Parliament.	N/A	\$10 000 employee
<b>Tasmania</b>	Yes	Not included in regulations as yet.	\$50 000
<b>Northern Territory</b>	Yes - in regulations	\$50 for an individual and \$250 for body corporate.	\$25 000
<b>Australian Capital Territory</b>	Yes	\$1 000	\$25 000
<b>Seafarers</b>	No	N/A	\$5 500 employee
<b>Australian Government</b>	No	N/A	\$19,800 employee of Commonwealth or Government Business Enterprise (GBE).  \$99,000 manufacturers and suppliers (natural person)
<b>New Zealand</b>	Yes - infringement notices for breaches of the Act or regulations, where there has been prior warning of the breach.	\$4 000 for failure to manage hazards. \$3 000 for other infringement offences.	\$500 000

Maximum penalty for corporations	Imprisonment term for serious offenders	Other penalty provisions
\$825 000	Imprisonment for 2 years for repeat offenders, but not specifically for serious offenders.	Court Orders
\$250 000	5 years (maximum)	No
\$750 000	3 years (maximum)	No
Employer/body corporate - \$200 000	No	
\$100 000 for a first offence \$200 000 subsequent offences	5 years (maximum)	Part 3 of the <i>Occupational Health Safety and Welfare Act 1986</i> occupiers, owners, manufacturers, first offence \$100,000; subsequent offences \$200 000.  Section 67 of the <i>Workers' Rehabilitation &amp; Compensation Act, 1986</i> authorises the Corporation to impose a supplementary levy on registered employers for poor OHS performance and workers' compensation Bonus Penalty Scheme.
\$150 000	No	
\$125 000	No	No
\$125 000	1 year	No
\$110 000 operators \$22 000 manufacturers and suppliers	6 months	N/A
\$495,000 GBE \$495,000 manufacturers and suppliers (body corporate)	6 months	Civil penalty and enforcement provisions for Commonwealth, GBEs and their employees: <ul style="list-style-type: none"> <li>• Declarations of Contravention;</li> <li>• Pecuniary penalties (min \$1,100 minor breaches, max \$242,000 serious breaches);</li> <li>• Injunctions (prohibitory, mandatory, interim);</li> <li>• Remedial orders;</li> <li>• Enforceable undertakings.</li> </ul>
\$500 000	2 years	Reparation

# Certification, Licensing and Permits

<b>CERTIFICATION REQUIREMENTS as at 1 July 2003</b>		
	<b>Which activities must a worker be certified to undertake?</b>	<b>Maximum duration of certification before reassessment is required</b>
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Scaffolding, dogging, rigging</li> <li>▪ Operation and use of specified plant, eg cranes, steam turbines</li> <li>▪ The application of pesticides or the use of fumigants</li> </ul>	<ul style="list-style-type: none"> <li>▪ Other certifications - no limit</li> <li>▪ Pesticides - 5 years.</li> </ul>
<b>Victoria</b>	<p>Certification as per National Certification Scheme:</p> <ul style="list-style-type: none"> <li>▪ The operation of cranes and hoists (14 certificate classes)</li> <li>▪ The operation of pressure equipment (5 certificate classes)</li> <li>▪ Scaffolding, rigging and dogging work (7 certificate classes)</li> <li>▪ Load shifting</li> <li>▪ The operation of forklift trucks and order picking forklift trucks (2 certificate classes)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cranes and hoists - Issued for life</li> <li>▪ Pressure equipment - Issued for life</li> <li>▪ Scaffolding, rigging and dogging work - Issued for life</li> <li>▪ The operation of forklift trucks and order picking forklift trucks - Issued for life</li> </ul>
<b>Queensland</b>	<p>Certification as per National Certification Scheme:</p> <ul style="list-style-type: none"> <li>▪ Crane/hoist operation</li> <li>▪ Load shifting equipment</li> <li>▪ Pressure equipment operation</li> <li>▪ Rigging/dogging/scaffolding/ Load shifting</li> </ul>	Unlimited, unless suspended or cancelled
<b>Western Australia</b>	<p>Certification as per National Certification Scheme:</p> <ul style="list-style-type: none"> <li>▪ Boilers(BB,BI,BA)</li> <li>▪ Cranes (CT,CD,CP,CB,CV,CN,C2,C6,C1,CO,WP)</li> <li>▪ Hoists(HM,HP)</li> <li>▪ Load Shifting</li> <li>▪ Miscellaneous(PB)</li> <li>▪ Other pressure equipment (TO,ES)</li> <li>▪ Rigging (DG,RB,RI,RA)</li> <li>▪ Scaffolding (SB,SI,SA)</li> </ul>	Certificates of competency issued for life. Assessors - 3 years
<b>South Australia</b>	<p>Certification as per National Certification Scheme:</p> <ul style="list-style-type: none"> <li>▪ Blasting</li> <li>▪ Occupational First Aid Certificates</li> <li>▪ Pressure equipment operation</li> <li>▪ Scaffolding, dogging, rigging, cranes and hoist operation</li> </ul>	In general for life via renewal without need for re-assessment
<b>Tasmania</b>	<p>Certification as per National Certification Scheme, plus:</p> <ul style="list-style-type: none"> <li>▪ Gas fitting (natural gas)</li> <li>▪ Mine winder</li> <li>▪ Order-picking fork-lift truck operation and fork-lift truck operation, excluding pedestrian walk behind or pallet truck.</li> </ul>	<p>Certificates of Competency issued for life as per National Certification Scheme</p> <ul style="list-style-type: none"> <li>▪ Asbestos Removalist - 3 years</li> <li>▪ Dangerous Goods Driver (transporting bulk dangerous goods) - up to 3 years</li> <li>▪ Employee Safety Representative - 3 years</li> <li>▪ Other Dangerous Goods Licences - 1 year</li> <li>▪ Registered Assessor - 3 years</li> <li>▪ Registered Plant Inspector - 3 years</li> <li>▪ Shot Firer - 5 years</li> </ul>
<b>Northern Territory</b>	<p>Certification as per National Certification Scheme:</p> <ul style="list-style-type: none"> <li>▪ Asbestos removal</li> <li>▪ Crane and hoist Operation</li> <li>▪ Dangerous goods - transport, storage, sale and use</li> <li>▪ Forklift truck operation</li> <li>▪ Pressure Equipment operation</li> <li>▪ Rigging (including dogging)/Load shifting</li> <li>▪ Scaffolding</li> </ul>	All National certificates issued for life

<b>CERTIFICATION REQUIREMENTS (cont'd)</b>		
	<b>Which activities must a worker be certified to undertake?</b>	<b>Maximum duration of certification before reassessment is required</b>
<b>Australian Capital Territory</b>	Certificate of Competency as per National Certification Scheme: Crane and Hoist Operation <ul style="list-style-type: none"> <li>▪ Tower crane</li> <li>▪ Derrick crane</li> <li>▪ Portal boom crane</li> <li>▪ Bridge and gantry crane</li> <li>▪ Vehicle loading crane (greater than 10 tonnes)</li> <li>▪ Non-slewing mobile crane (greater than 3 tonnes)</li> <li>▪ Slewing mobile crane (up to 20 tonnes)</li> <li>▪ Slewing mobile crane (up to 60 tonnes)</li> <li>▪ Slewing mobile crane (up to 100 tonnes)</li> <li>▪ Slewing mobile crane (open/over 100 tonnes)</li> <li>▪ Boom-type elevating work platform (boom length 11 metres or more)</li> <li>▪ Materials hoist (Cantilever Platform)</li> <li>▪ Hoists (personnel and material)</li> <li>▪ Concrete placing boom</li> </ul> Scaffolding, Dogging and Rigging <ul style="list-style-type: none"> <li>▪ Basic scaffolding</li> <li>▪ Intermediate scaffolding</li> <li>▪ Advanced scaffolding</li> <li>▪ Dogging</li> <li>▪ Basic rigging</li> <li>▪ Intermediate rigging</li> <li>▪ Advanced rigging</li> </ul> Pressure Equipment Operation <ul style="list-style-type: none"> <li>▪ Basic boiler operation</li> <li>▪ Intermediate boiler operation</li> <li>▪ Advanced boiler operation</li> <li>▪ Turbine operation</li> <li>▪ Reciprocating steam engine operation</li> </ul> Loadshifting Equipment Operation <ul style="list-style-type: none"> <li>▪ Fork-lift truck</li> <li>▪ Order-picking fork-lift truck</li> <li>▪ Front-end loader</li> <li>▪ Front-end loader/backhoe</li> <li>▪ Front-end loader (skid steer type)</li> <li>▪ Excavator</li> <li>▪ Dragline</li> </ul>	All certificates of competency are in force until surrendered or cancelled.
<b>Seafarers</b>	Requirements under <i>Navigation Act 1912</i>	Requirements under <i>Navigation Act 1912</i>
<b>Australian Government</b>	A worker performing the work of a scaffolder, dogger, rigger and crane, hoist and pressure equipment operator must hold a certificate of competency for the class of occupation. The certificate of competency must be obtained from the relevant State or Territory OHS authority as per the National Certification Scheme.	A certificate/licence is issued once a certificate of competency is obtained from a registered assessor. All certificates issued by State/Territory Authorities currently have a lifetime duration with no requirement for reassessment.
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Diver</li> <li>▪ Explosives (certain uses)</li> <li>▪ Mine manager</li> <li>▪ Mine surveyor</li> <li>▪ Scaffolding</li> <li>▪ Winding engine driver</li> </ul>	Variable

LICENSING REQUIREMENTS as at 1 July 2003		
	Which activities must a business or worker be licensed to undertake?	Maximum duration of licence before reassessment is required
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Asbestos removal</li> <li>▪ Demolition</li> </ul>	2 years
<b>Victoria</b>	<p><i>Explosives</i></p> <ul style="list-style-type: none"> <li>▪ The manufacture of explosives (4 licence types)</li> <li>▪ The storage of explosives (2 licence types)</li> <li>▪ The sale of explosives (1 licence)</li> <li>▪ The transport of explosives (3 licence types)</li> <li>▪ The use of explosives (1 licence type)</li> <li>▪ The display of fireworks (2 licence types)</li> <li>▪ Import of explosives (1 licence type). Above licences apply to both individuals and organisations</li> </ul> <p><i>Fireworks</i></p> <ul style="list-style-type: none"> <li>▪ Pyrotechnician's licence</li> </ul> <p><i>Transport of Dangerous Goods by Road</i></p> <ul style="list-style-type: none"> <li>▪ Bulk driver licence</li> <li>▪ Bulk vehicle licence (vehicle must be licensed)</li> </ul> <p><i>Asbestos Regulations</i></p> <ul style="list-style-type: none"> <li>▪ Asbestos removalist (Regulation 702)</li> <li>▪ Analysis of any sample to be undertaken by approved analyst (Regulation 706(3)). (NB. Authority no longer approves analysts – 'approved analyst' means NATA approved)</li> <li>▪ Medical Practitioners to carry out medical examinations (Regulation 815(3)). (NB. Notification of medical practitioner required, but Authority no longer approves)</li> </ul> <p><i>Hazardous Substances</i></p> <ul style="list-style-type: none"> <li>▪ Licence relating to the supply and use of carcinogenic substances (Regulation 403)</li> </ul> <p><i>Major Hazards</i></p> <ul style="list-style-type: none"> <li>▪ Licence to operate Major Hazard Facilities</li> </ul>	<p>** Indicates that a reassessment requires an examination –theory and/or practical. The remaining are also renewable but only require legislative/policy criteria to be met and a reassessment and verification of such criteria by the WorkSafe's Licensing Branch, before the license is renewed.</p> <ul style="list-style-type: none"> <li>▪ Manufacture of explosives (4 licence types) - 5 years</li> <li>▪ Storage of explosives (2 licence types) - 5 years</li> <li>▪ Sale of explosives (1 licence) - 5 years</li> <li>▪ Transport of explosives (3 licence types) Rail &amp; Vehicle - 5 years</li> <li>▪ Driver – 3 years **</li> <li>▪ Use of explosives (1 licence type) - 5 years **</li> <li>▪ Display of fireworks (3 licence types)</li> <li>▪ Licence to discharge theatrical fireworks - 1 event only - Fireworks</li> <li>▪ Licence to discharge Chinese firecrackers – 1 event only</li> <li>▪ Pyrotechnician's licence – 5 years</li> <li>▪ Importing explosives (1 licence type) - 5 years</li> </ul> <p><i>Transport of Dangerous Goods by Road</i></p> <ul style="list-style-type: none"> <li>▪ Bulk driver licence – 3 years **</li> <li>▪ Bulk vehicle licence (vehicle must be licensed) – 3 years</li> </ul> <p><i>Asbestos Regulations</i></p> <ul style="list-style-type: none"> <li>▪ Licence for removal of asbestos – 3 years</li> </ul> <p><i>Hazardous Substances</i></p> <ul style="list-style-type: none"> <li>▪ Carcinogen licences are reassessed and reissued every 5 years</li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ Demolition work</li> <li>▪ Asbestos removal</li> </ul>	A licence is valid for 2 years from the day it is granted unless suspended or cancelled.
<b>Western Australia</b>	<ul style="list-style-type: none"> <li>▪ Demolition work</li> <li>▪ Asbestos removal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Demolition - 2 years</li> <li>▪ Asbestos removal - 2 years</li> </ul>

LICENSING REQUIREMENTS (cont'd)		
	Which activities must a business or worker be licensed to undertake?	Maximum duration of licence before reassessment is required
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Plant operation</li> <li>▪ Asbestos removal</li> <li>▪ Assessor registration</li> <li>▪ Blaster licence</li> <li>▪ Storage &amp; transport of dangerous substances (<i>Dangerous Substances Act</i>)</li> <li>▪ Manufacture, import, use and transport of explosives (<i>Explosives Act</i>)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Plant operation/registration – 1 year</li> <li>▪ Asbestos removal – 2 years</li> <li>▪ Blaster – 3 years</li> <li>▪ Storage – 1 year</li> <li>▪ Bulk Driver – 3 years</li> <li>▪ Bulk Vehicle – 1 year</li> <li>▪ Explosive licence to mix – 1 year</li> <li>▪ Explosive storage – 1 year</li> <li>▪ Explosive magazine store – 1 Year</li> <li>▪ Explosive Carriage – 1 Year</li> <li>▪ Licence to import – 1 year</li> <li>▪ Pyrotechnician's Licence – 1 year</li> <li>▪ Pyrotechnician's Display Business Licence – 1 year</li> <li>▪ Pyrotechnician's Sales Business Licence – 1 year</li> </ul>
<b>Tasmania</b>	<p><i>Dangerous Goods (including Explosives/Fireworks &amp; LPG)</i></p> <ul style="list-style-type: none"> <li>▪ Licence to keep dangerous goods (keepers licence)</li> <li>▪ Licence to import explosives</li> <li>▪ Licence to import class 2.1 gases in bulk</li> <li>▪ Licence to import class 3 liquids in bulk</li> <li>▪ Licence to manufacture explosives</li> <li>▪ Licence to sell LP gas</li> <li>▪ Licence to sell explosives and fireworks</li> <li>▪ Licence for the sale of safety cartridges and propellant power</li> <li>▪ Licence to keep explosives</li> <li>▪ Shot firer permit (licence)</li> <li>▪ Bulk driver licence</li> <li>▪ Bulk vehicle licence (vehicle must be licensed)</li> <li>▪ Autogas installers licence</li> </ul> <p><i>Other</i></p> <ul style="list-style-type: none"> <li>▪ Asbestos removalist licence</li> <li>▪ Electricians</li> <li>▪ Electrical contractors</li> <li>▪ Gas suppliers</li> </ul>	3-5 years
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Shotfirer</li> <li>▪ Gasfitter</li> <li>▪ Asbestos removal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shotfirer &amp; gasfitter - 5 years</li> <li>▪ Gasfitter provisional - 1 year</li> <li>▪ Asbestos removal - 3 years</li> <li>▪ Drivers' authorisation - 3 years</li> </ul>

<b>LICENSING REQUIREMENTS (cont'd)</b>		
	<b>Which activities must a business or worker be licensed to undertake?</b>	<b>Maximum duration of licence before reassessment is required</b>
<b>Australian Capital Territory</b>	<p><i>Explosives / Fireworks</i></p> <ul style="list-style-type: none"> <li>▪ Licence to keep explosives</li> <li>▪ Licence to import explosives</li> <li>▪ Licence to manufacture explosives</li> <li>▪ Licence to sell explosives/classified shopgoods fireworks</li> <li>▪ Licence to carry explosives</li> <li>▪ Licence to sell explosives</li> <li>▪ Licence to keep dangerous goods (other than explosives)</li> </ul> <p><i>Transport of Dangerous Goods by Road</i></p> <ul style="list-style-type: none"> <li>▪ Bulk driver licence</li> <li>▪ Bulk vehicle licence (vehicle must be licensed) accredited assessor</li> <li>▪ Certificate of Accreditation - the applicant must be competent to be an assessor or to do the kind of assessments applied for. The competency criteria are different from that of 'certification' and include: experience, references, qualifications, and completed course of training.</li> </ul>	For both explosives and transport - maximum duration not exceeding 3 years from the date of issue or any renewal or sooner if cancelled by the Chief Inspector. (Period at discretion of Chief Inspector).
<b>Seafarers</b>	Requirements under <i>Navigation Act 1912</i> and the <i>Shipping Registration Act 1981</i>	Requirements under <i>Navigation Act 1912</i> and the <i>Shipping Registration Act 1981</i> .
<b>Australian Government</b>	An employer cannot use specific types of plant unless the design of the plant is registered by an OHS authority. The employer must have a license issued by Comcare to operate a specific item of plant.	4 years for a plant licence.
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Amusement devices</li> <li>▪ Pipelines and petroleum installations</li> <li>▪ Various activities under Hazardous Substances and New Organisms Act</li> </ul>	<ul style="list-style-type: none"> <li>▪ Amusement devices - maximum 2 years, or lesser period if specified</li> <li>▪ Pipelines and petroleum installations - certification of fitness for renewal after a period specified by a third-party certifier</li> </ul>

PERMIT REQUIREMENTS as at 1 July 2003		
	Which activities must a business or worker have a permit to undertake?	Maximum duration of permits before reassessment is required
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ Asbestos removal</li> <li>▪ Demolition</li> </ul>	For the duration of the job.
<b>Victoria</b>	Nil permits	N/A
<b>Queensland</b>	Nil permits	N/A
<b>Western Australia</b>	Nil permits	N/A
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ Asbestos removal approval</li> <li>▪ Demolition by explosive or mechanical means approval</li> </ul>	For the duration of the job.
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ Fireworks displays</li> </ul>	3 years
<b>Northern Territory</b>	<ul style="list-style-type: none"> <li>▪ Fireworks displays</li> <li>▪ Asbestos removal notification</li> <li>▪ Demolition over 6 metres</li> </ul>	For the duration of the job.
<b>Australian Capital Territory</b>	<p><i>Explosives / Fireworks</i></p> <ul style="list-style-type: none"> <li>▪ Shotfirer's permit</li> <li>▪ Collector's permit</li> <li>▪ Public display operator fireworks permit ('pyrotechnicians')</li> <li>▪ Permit for the importation of explosives</li> <li>▪ Permit for use of man box for lifting persons - each use</li> </ul>	<p><i>Explosives/Fireworks</i></p> <ul style="list-style-type: none"> <li>▪ Shotfirer's permit: Maximum duration not exceeding 3 years from the date of issue or any renewal, or sooner if cancelled by the Chief Inspector</li> <li>▪ Collector's permit: Maximum duration not exceeding 3 years from the date of issue or any renewal, or sooner if cancelled by the Chief Inspector</li> <li>▪ Public Display Fireworks:                             <ul style="list-style-type: none"> <li>– General Public Display: Maximum duration not exceeding 1 year from the date of issue or any renewal, or sooner if cancelled by the Chief Inspector</li> <li>– Special Permit: only for a particular public display</li> </ul> </li> <li>▪ Permit for the Importation of Explosives: Maximum duration not exceeding 3 years from the date of issue or any renewal, or sooner if cancelled by the chief inspector</li> </ul>
<b>Seafarers</b>	Requirements under <i>Navigation Act 1912</i> and the <i>Shipping Registration Act 1981</i>	Requirements under <i>Navigation Act 1912</i> and the <i>Shipping Registration Act 1981</i> .
<b>Australian Government</b>	<ul style="list-style-type: none"> <li>▪ An exemption is required for use of a prohibited substance with carcinogenic properties.</li> <li>▪ A permit is required for work in confined spaces.</li> </ul>	<p>For an exemption for the use of chrysotile asbestos a time limit applies.</p> <p>For work in confined spaces, a permit lasts for the duration of the job.</p>

<b>PERMIT REQUIREMENTS (cont'd)</b>		
	<b>Which activities must a business or worker have a permit to undertake?</b>	<b>Maximum duration of permits before reassessment is required</b>
<b>New Zealand</b>	<ul style="list-style-type: none"> <li>▪ Extraction of coal and/or minerals</li> <li>▪ Operate an amusement device (permit issued by territorial authority for each installation)</li> <li>▪ Various explosive and dangerous goods permits under Hazardous Substances and New Organisms Act.</li> </ul> <p>Employers or others in control of the worksite are required to notify most types of logging and construction work, and work involving asbestos.</p>	<ul style="list-style-type: none"> <li>▪ Extraction – variable</li> <li>▪ Amusement device - permit issued by territorial authority for each installation, and in the case of static devices, every two years</li> </ul>

**Notes:**

Victoria - Certification/Licensing/Permits information listed above relates to the following legislation only:

- Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994
- Dangerous Goods (Explosives) Regulations 2000
- Road Transport Reform (Dangerous Goods) Regulations 1997
- Occupational Health and Safety (Plant) Regulations 1995
- Equipment (Public Safety) Regulations 1995
- Dangerous Goods (Storage and Handling) Regulations 2000



## Adoption of NOHSC National Standards

### National Standards as at 31 December 2004\*

	National Standard for <b>Occupational Noise</b> [NOHSC: 1007(2000)] 2 <sup>nd</sup> Edition	National Occupational Health and Safety <b>Certification</b> Standard for Users and Operators of Industrial Equipment [NOHSC:1006(2001)] 3 <sup>rd</sup> Edition	<b>Manual Handling</b> National Standard [NOHSC:2005 (1990)]	National Standard for the Control of <b>Major Hazard Facilities</b> [NOHSC: 1014(2002)] 2 <sup>nd</sup> Edition
<b>New South Wales</b>	Adopted	Adopted	Adopted	Parliamentary counsel drafting bill; or bill in parliament
<b>Victoria</b>	Adopted	Adopted	Most of the key elements have been adopted	Most of the key elements have been adopted
<b>Queensland</b>	Adopted	Adopted	Adopted	Most of the key elements have been adopted
<b>Western Australia</b>	Adopted	Adopted	Most of the key elements have been adopted	Parliamentary counsel drafting bill; or bill in parliament
<b>South Australia</b>	Adopted	Adopted	Adopted	Parliamentary counsel drafting bill; or bill in parliament
<b>Tasmania</b>	Most of the key elements have been adopted	Adopted	Adopted	Parliamentary counsel drafting bill; or bill in parliament
<b>Northern Territory</b>	Most of the key elements have been adopted	Adopted	Most of the key elements have been adopted	Parliamentary counsel drafting bill; or bill in parliament
<b>Australian Capital Territory</b>	Adopted as a Code of Practice	Adopted	Adopted	N/A
<b>Seafarers<sup>1</sup></b>	Not adopted	Not adopted	Parliamentary counsel drafting bill; or bill in parliament	N/A
<b>Australian Government</b>	Adopted	Adopted	Adopted	Parliamentary counsel drafting bill; or bill in parliament

National Standard for Plant [NOHSC:1010(1994)]	National Standard for Storage and Handling of Workplace Dangerous Goods [NOHSC:1015 (2001)]	National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)]	National Model Regulations for the Control of Scheduled Carcinogenic Substances [NOHSC:1011(1995)]	Approved criteria for classifying Hazardous Substances [NOHSC:1008 (1999)]
Most of the key elements have been adopted	Parliamentary counsel drafting bill; or bill in parliament	Adopted	Adopted	Adopted
Most of the key elements have been adopted	Adopted	Adopted	Adopted	Adopted
Most of the key elements have been adopted	Adopted	Adopted	Not Adopted	Adopted
Most of the key elements have been adopted	Parliamentary counsel drafting bill; or bill in parliament	Adopted	Adopted	Adopted
Adopted	Parliamentary counsel drafting bill; or bill in parliament	Adopted	Not Adopted	Adopted
Most of the key elements have been adopted	Parliamentary counsel drafting bill; or bill in parliament	Adopted	Adopted	Adopted
Most of the key elements have been adopted	Adopted	Adopted	Adopted	Adopted
Adopted as a Code of Practice	Adopted	Most of the key elements have been adopted. Adopted as Code of Practice	Not Adopted	Adopted
Not adopted	Not adopted	Adopted	Not adopted	Not adopted
Adopted	Parliamentary counsel drafting bill; or bill in parliament	Adopted	Adopted	Adopted

**National Standards as at 31 December 2004 (cont'd)**

	National Standard for the Control of <b>Inorganic Lead</b> at work [NOHSC:1012 (1994)]	National Standard for <b>Synthetic Mineral Fibres</b> [NOHSC:1004 (1990)]	Exposure Standards for <b>Atmospheric Contaminants</b> in the Occupational Environment [NOHSC:3008(1995)] <sup>2</sup>
<b>New South Wales</b>	Adopted	Adopted	Adopted
<b>Victoria</b>	Adopted	Not Adopted	Adopted
<b>Queensland</b>	Adopted	Most of the key elements have been adopted	Adopted
<b>Western Australia</b>	Most of the key elements have been adopted	Adopted	Adopted
<b>South Australia</b>	Most of the key elements have been adopted	Adopted	Adopted
<b>Tasmania</b>	Adopted	Most of the key elements have been adopted	Adopted
<b>Northern Territory</b>	Adopted	Adopted	Adopted
<b>Australian Capital Territory</b>	Adopted as a Code of Practice	Adopted as a Code of Practice	Adopted
<b>Seafarers</b>	Not adopted	Not adopted	Not adopted
<b>Australian Government</b>	Adopted	Adopted	Adopted

\* The above table was approved by NOHSC, in December 2004. This table includes changes to the legislation that came into effect in the Australian Capital Territory in December 2004. New Zealand is not included in this table as it operates under different legislative arrangements.

<sup>1</sup>Seafarers has been added to the approved table for the purposes of this publication.

<sup>2</sup>There have been a number of amendments to individual exposure standards since this standard was declared in 1995.



## Contact Details for Further Information

Jurisdiction	Organisation	Phone Number	Email Address	Website Address
<b>New South Wales</b>	WorkCover NSW	WorkCover Assistance 131050	<a href="mailto:contact@workcover.nsw.gov.au">contact@workcover.nsw.gov.au</a>	<a href="http://www.workcover.nsw.gov.au/">www.workcover.nsw.gov.au/</a>
<b>Victoria</b>	WorkSafe Victoria	WorkCover Advisory Service 1800 136 089	<a href="mailto:info@workcover.vic.gov.au">info@workcover.vic.gov.au</a>	<a href="http://www.workcover.vic.gov.au">www.workcover.vic.gov.au</a>
<b>Queensland</b>	Workplace Health and Safety Queensland - Department of Industrial Relations	1300 369 915	<a href="mailto:safetyinfo@dir.qld.gov.au">safetyinfo@dir.qld.gov.au</a>	<a href="http://www.whs.qld.gov.au">www.whs.qld.gov.au</a>
<b>Western Australia</b>	WorkSafe Division of the Department of Consumer and Employment Protection	(08) 9327 8777	<a href="mailto:safety@docep.wa.gov.au">safety@docep.wa.gov.au</a>	<a href="http://www.docep.wa.gov.au">www.docep.wa.gov.au</a> <a href="http://www.safetyline.wa.gov.au">www.safetyline.wa.gov.au</a>
<b>South Australia</b>	Workplace Services  WorkCover Corporation	(08) 8303 0245  13 18 55	For Workplace Services: <a href="mailto:gillman-smith.julie@saugov.sa.gov.au">gillman-smith.julie@saugov.sa.gov.au</a>  For WorkCover Corporation: <a href="mailto:jricks@workcover.com">jricks@workcover.com</a>	<a href="http://www.eric.sa.gov.au">www.eric.sa.gov.au</a>  <a href="http://www.workcover.com">www.workcover.com</a>
<b>Tasmania</b>	WorkCover Tasmania and Workplace Standards  Tasmania Department of Infrastructure, Energy and Resources	Helpline 1300 366 322 (Inside Tasmania) (03) 6233 7657 (Outside Tasmania)	<a href="mailto:wstinfo@dier.tas.gov.au">wstinfo@dier.tas.gov.au</a>	<a href="http://www.wst.tas.gov.au/">www.wst.tas.gov.au/</a>
<b>Northern Territory</b>	NT WorkSafe	08 8999 5010	<a href="mailto:ntworksafe.deet@nt.gov.au">ntworksafe.deet@nt.gov.au</a>	<a href="http://www.worksafe.nt.gov.au">www.worksafe.nt.gov.au</a>
<b>Australian Capital Territory</b>	ACT Office of Industrial Relations, Chief Minister's Department and ACT WorkCover	02 6207 6155 02 6205 0200	<a href="mailto:shelley.schreiner@act.gov.au">shelley.schreiner@act.gov.au</a>  <a href="mailto:workcover@act.gov.au">workcover@act.gov.au</a>	<a href="http://www.psm.act.gov.au">www.psm.act.gov.au</a>  <a href="http://www.workcover.act.gov.au">www.workcover.act.gov.au</a>

Jurisdiction	Organisation	Phone Number	Email Address	Website Address
	Operational Advice - ACT Workcover	02 6207 6775		
<b>Seafarers</b>	Seacare Authority	02 6275 0070	<a href="mailto:seacare@comcare.gov.au">seacare@comcare.gov.au</a>	<a href="http://www.seacare.gov.au">www.seacare.gov.au</a>
<b>Australian Government</b>	Comcare	1300 366 979	<a href="mailto:ohs.help@comcare.gov.au">ohs.help@comcare.gov.au</a>	<a href="http://www.comcare.gov.au">www.comcare.gov.au</a>
<b>New Zealand</b>	Department of Labour	Bob White 64 4 915 4369	<a href="mailto:bob.white@osh.dol.govt.nz">bob.white@osh.dol.govt.nz</a>	<a href="http://www.osh.dol.govt.nz">www.osh.dol.govt.nz</a>

## Appendix A - Australian Government Approved Codes of Practice

### Codes of Practice under the Occupational Health and Safety (Commonwealth Employment) Act 1991

#### Approved Code of Practice on **Asbestos**

- *Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1988)].*
- *Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC:3002] as amended.*
- *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust [NOHSC:3003] as amended.*

#### Approved Code of Practice on the Control of Scheduled **Carcinogenic Substances** in Commonwealth Employment

- *Approved Code of Practice on the Control of Scheduled Carcinogenic Substances in Commonwealth Employment [SRCC (1999)].*

#### Approved Code of Practice for a **Chemical Database** for Emergency Services

- *Guidance Note for a Chemical Database for Emergency Services NOHSC:3004] as amended.*

#### Approved Code of Practice on **Confined Spaces**

- *Joint National Standard for Safe Working in a Confined Space [NOHSC:1009 (1994) / AS 2865–1995].*

#### Approved Code of Practice on Transport of **Dangerous Goods**

- *Australian Code for the Transport of Dangerous Goods by Road and Rail - Australian Dangerous Goods Code Sixth Edition Federal Office of Road Safety, Department of Transport and Communications, as amended.*
- *Australian Code for the Transport of Explosives by Road and Rail (Australian Explosives Code) Second Edition Federal Office of Road Safety, Department of Transport and Communications, as amended.*

#### Approved Code of Practice for the Safe Use of **Ethylene Oxide** in Sterilisation / Fumigation Processes

- *National Code of Practice for the Safe Use of Ethylene Oxide in Sterilisation / Fumigation Processes [NOHSC:2008 (1992)].*
- *Guidance Note for the Safe Use of Ethylene Oxide in Sterilisation / Fumigation Processes [NOHSC:3016 (1992)].*

#### Approved Code of Practice for **First Aid** in Commonwealth Workplaces

- *Approved Code of Practice for First Aid in Commonwealth Workplaces [SRCC (1999)].*

#### Approved Code of Practice on the Control of Workplace **Hazardous Substances**

- *National Code of Practice for the Control of Workplace Hazardous Substances [NOHSC:2007 (1994)].*
- *National Code of Practice for the Preparation of Material Safety Data Sheets [NOHSC:2011 (1994)].*
- *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012 (1994)].*

Approved Code of Practice for Health Care Workers' and Other People at Risk of the Transmission of **Human Immunodeficiency Virus (HIV) and Hepatitis B** in the Workplace

- *National Code of Practice for the Control of Work Related Exposure to Hepatitis and HIV (blood-borne) Viruses [NOHSC:2010 (2003)].*

Approved Code of Practice on **Indoor Air Quality**

- *Australian/New Zealand Standard - Air Handling and Water Systems of Buildings - Microbial Control (AS 3666) as amended.*
- *Australian Standard - The Use of Mechanical Ventilation and Air-conditioning in Buildings Part 2: Mechanical Ventilation for Acceptable Indoor-air Quality (AS1668.2) as amended.*

Approved Code of Practice on the Control and Safe Use of **Inorganic Lead** in Commonwealth Employment

- *Approved Code of Practice on the Control and Safe Use of Inorganic Lead in Commonwealth Employment [SRCC (1999)]*

Approved Code of Practice on **Interior Lighting**

- *Australian Standard - Interior Lighting (AS 1680) as amended.*

Approved Code of Practice on Limiting the Occupational Exposure to **Ionising Radiation**

- *National Standard for Limiting the Occupational Exposure to Ionizing Radiation [NOHSC:1013 (1995)].*

Approved Code of Practice on Safety in **Laboratories**

- *Australian/New Zealand Standard - Safety in Laboratories (AS/NZS 2243) as amended.*

Approved Code of Practice for Occupational Health and Safety Competency Standards for the Operation of **Loadshifting Equipment and Other Types of Specified Equipment**

- *Guidelines for Occupational Health and Safety Competency Standards for the Operation of Loadshifting Equipment and Other Types of Specified Equipment [NOHSC:7019 (1992)].*

Approved Code of Practice for **Manual Handling**

- *National Code of Practice for Manual Handling [NOHSC:2005 (1990)].*
- *Guidance Note for Manual Handling in the Retail Industry [NOHSC:3014 (1992)] as amended.*

Approved Code of Practice for **Noise**

- *National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC:2009 (2000)].*

Approved Code of Practice on **Non Ionising Radiation**

- *Australian Standard - Radiofrequency Radiation (AS 2772) as amended.*
- *Australian/New Zealand Standard - Code of Practice for Laser Safety (AS/NZS 2211) as amended.*
- *Australian Standard - Radio Transmitters and Similar Equipment - Safe Practices (AS 1188) as amended.*

Approved Code of Practice for the Prevention of **Occupational Overuse Syndrome**

- *National Code of Practice for the Prevention of Occupational Overuse Syndrome [NOHSC:2013 (1994)].*

Approved Code of Practice for **Synthetic Mineral Fibres**

- *National Standard for Synthetic Mineral Fibres [NOHSC:1004 (1990)].*
- *National Code of Practice for the Safe Use of Synthetic Mineral Fibres [NOHSC:2006 (1990)].*

Approved Code of Practice for the Safe Handling of **Timber Preservatives and Treated Timber**

- *National Code of Practice for the Safe Handling of Timber Preservatives and Treated Timber* [NOHSC:2003 (1989)].
- *Guidance Note for the Safe Handling of Timber Preservatives and Treated Timber* [NOHSC:3007] as amended.

Approved Code of Practice for the Protection of Workers' from the **Ultraviolet Radiation in Sunlight**

- *Guidance Note for the Protection of Workers' from the Ultraviolet Radiation in Sunlight* [NOHSC:3012(1991)] as amended.

Approved Code of Practice on **Vibration**

- *Australian Standard - Evaluation of Human Exposure to Whole Body Vibration (AS 2670) as amended.*
- *Australian Standard - Vibration and Shock-hand-transmitted Vibration - Guidelines for Measurement and Assessment of Human Exposure (AS 2763) as amended.*

Approved Code of Practice for **Vinyl Chloride**

- *National Code of Practice for the Safe Use of Vinyl Chloride* [NOHSC:2004 (1990)].

Approved Code of Practice on **Visual Display Units**

- *Australian Standard - Interior Lighting Part 2.2: Office and Screen-based Tasks (AS 1680.2.2) as amended.*
- *Australian Standard - Screen-based Workstations: Visual Display Units (AS 3590) as amended.*

Approved Code of Practice for **Workplace Injury and Disease Recording**

- *Joint Australian Standard (AS 1885.1 - 1990), and National Standard [NOHSC:NS 002 (1990)] - Workplace Injury and Disease Recording.*

# Appendix B - Australian Government Employment Guidance

## Guidance under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*

Subject / Title	Number	Type
<b>Accident Reporting:</b> Guide to Incident Notification & Reporting	OHS 43	Booklet
<b>Air Quality (Indoor):</b> Indoor Air Quality	FS 12	Factsheet
<b>Air-Conditioning &amp; Thermal Comfort:</b> Air-Conditioning & Thermal Comfort in Australian Public Service Offices: An Information Booklet For Health & Safety Representatives	OHS 32	Booklet
<b>Asbestos &amp; Synthetic Mineral Fibres (SMF):</b> Control of Exposure to Asbestos and Synthetic Mineral Fibres (SMF)	FS 31	Factsheet
<b>Carcinogenic Substances:</b> Approved Code of Practice on the Control of Scheduled Carcinogenic Properties in Commonwealth Employment	FS 10a	Factsheet
<b>Carcinogenic Substances:</b> Approved Code of Practice on the Control of Scheduled Carcinogenic Properties in Commonwealth Employment - <i>SRCC approved</i>	OHS 14	Booklet
<b>Carcinogenic Substances:</b> Guidance on the Application, Assessment and Approval Process for Exemptions from Prohibitions on Hazardous Substances with Carcinogenic Properties - <i>SRCC approved</i>	OHS 44	Booklet
<b>Chemicals:</b> Safe Use of Timber Preservatives, Vinyl Chloride, Ethylene Oxide	FS 30	Factsheet
<b>Client Aggression:</b> Applying Best Practice Principles to Prevention and Management of Customer Aggression (Joint publication with Centrelink)	OHS 33	Booklet
<b>Client Aggression:</b> Guidelines for the Prevention & Management of Customer Aggression	OHS 25	Booklet
<b>Comcare Investigations:</b> When an Investigator Calls: Putting health and safety law to work	OHS 3	Booklet
<b>Compliance and Enforcement:</b> OHS Compliance and Enforcement Framework		Booklet
<b>Confined Spaces:</b> Confined Spaces Regulations & Code of Practice	FS 14	Factsheet
<b>Contracting:</b> A Practical Guide to Integrating OHS Into Effective Contractor Management - <i>SRCC approved</i>	OHS 18	Booklet
<b>Contracting:</b> OHS Obligations for Commonwealth Employers, Purchasing Officers and Contracting Staff	FS 44	Factsheet
<b>Contractors &amp; Employers:</b> Employers and Contractors: What are Your Responsibilities Under the OHS (CE) Act	FS 15	Factsheet
<b>Deep Vein Thrombosis:</b> Deep Vein Thrombosis (DVT) and Long Distance Air Travel	FS 39	Factsheet

<b>Duty of Care:</b> The Employer's Duty of Care Under the OHS (CE) Act 1991		Info Sheet
<b>Electrically Powered Equipment:</b> OHS Risks of Electrically Powered Equipment in the Workplace	FS 42	Factsheet
<b>Employees:</b> Counselling for Better Work Performance - Advice for Managers (Joint publication with PSMPC)		Booklet
<b>Eyesight:</b> Guidelines for Eyesight Testing & Optical Correction for Visually Demanding Tasks	FS 8	Factsheet
<b>Eyesight:</b> Eyesight Testing & Optical Correction for Visually Demanding Tasks - <i>SRCC approved</i>		Booklet
<b>Fire Risk Management:</b> Fire Risk Management and the OHS(CE)Act 1991	FS 28	Factsheet
<b>First Aid:</b> Approved Code of Practice for First Aid in Commonwealth Workplaces	FS 36	Factsheet
<b>First Aid:</b> Approved Code of Practice for First Aid in Commonwealth Workplaces - <i>SRCC approved</i>	OHS 16	Booklet
<b>Hazard Management:</b> Are you relocating or closing an office?		Booklet
<b>Hazardous Substances:</b> Factsheet Series 17 (Hazardous Substances)	FS 17a-i	Factsheet
<b>Health &amp; Safety Representatives Training:</b> Courses Accredited under the OHS(CE) Act 1991	FS 22	Factsheet
<b>Health &amp; Safety Representatives:</b> HSR Handbook: A Guide for Health & Safety Representatives - <i>SRCC approved</i>	OHS 4	Booklet
<b>HIV &amp; Hepatitis B:</b> Approved Code of Practice on Risks to Health Care Workers' & Others	FS 34	Factsheet
<b>Industrial Equipment:</b> Factsheet Series 2 (Certification)	FS 2a-e	Factsheet
<b>Interior Lighting:</b> Approved Codes of Practice on Interior Lighting	FS 9	Factsheet
<b>Investigations Program (Planned):</b> Analysis of data 1993/94, 1994/95, 1995/96		Booklet
<b>Laboratories:</b> Approved Code of Practice on Safety in Laboratories	FS 26	Factsheet
<b>Lead (Inorganic):</b> Approved Code of Practice for Safe Use of Inorganic Lead in Commonwealth Employment	FS 10b	Factsheet
<b>Lead (Inorganic):</b> Approved Code of Practice for the Control and Safe Use of Inorganic Lead in Commonwealth Employment- <i>SRCC approved</i>	OHS 15	Booklet
<b>Legionnaires' Disease:</b> December 2001 - Advice for Employers	FS 40	Factsheet
<b>Legislation:</b> Occupational Health & Safety (Commonwealth Employment) (National Standards) Regulations	FS 13	Factsheet
<b>Legislation:</b> Guide to Commonwealth OH&S Regulations & Codes of Practice	FS 4	Factsheet
<b>Major Hazard Facilities:</b> SRC Commission Guidance Material on the Control of Major Hazard Facilities by the Commonwealth	FS 37	Factsheet

<b>Major Hazard Facilities:</b> SRC Commission Guidance Material on the Control of Major Hazardous Facilities by the Commonwealth - <i>SRCC approved</i>	OHS 21	Booklet
<b>Management of OHS in Agencies:</b> OHS - A Reference Guide for Supervisors & Managers - <i>SRCC approved</i>	OHS 11	Booklet
<b>Management Systems (OHS):</b> Establishing an OHS Management System - <i>SRCC approved</i>	OHS 17	Booklet
<b>Management Systems (OHS):</b> Safety Wise - Self-assessing Occupational Health and Safety in the Workplace	OHS 9	Booklet
<b>Manual Handling &amp; Occupational Overuse Syndrome:</b> Resources for Commonwealth Employers, Health & Safety Representatives, and OHS staff	FS 20	Factsheet
<b>Manual Handling Injuries:</b> Analysis of Data 1993/94, 1994/95, 1995/96		Booklet
<b>Manual Handling:</b> Manual Handling Regulations and Approved Code of Practice	FS 5	Factsheet
<b>Manual Handling:</b> Manual Handling: Reducing Injuries	OHS 31	Booklet
<b>Noise:</b> Occupational Noise Regulations and Code of Practice	FS 1	Factsheet
<b>Occupational Heat Stress:</b> Managing OHS Risks For Commonwealth employers & employees	FS 27	Factsheet
<b>Occupational Overuse Syndrome:</b> Approved Code of Practice on the Prevention of Occupational Overuse Syndrome	FS 7	Factsheet
<b>Occupational Overuse Syndrome:</b> Safety Card	OHS 36	Card
<b>Occupational Overuse Syndrome:</b> Taking Control of Occupational Overuse Syndrome: A Pilot Prevention Program	OHS 5	Booklet
<b>Occupational Stress:</b> Supervisor's Handbook for Managing Staff with Stress Responses	OHS 23	Booklet
<b>Occupational Stress:</b> Management of Occupational Stress in Commonwealth Agencies: Implementing an Occupational Stress Prevention Program - <i>SRCC approved</i>	OHS 8	Booklet
<b>Occupational Stress:</b> Management of Occupational Stress. (Joint ANAO/Comcare Better Practice Guide for Senior Managers)		Brochure
<b>Occupational Stress:</b> Management of Occupational Stress in Commonwealth Agencies: A Joint ANAO/Comcare Better Practice Guide for Senior Managers - <i>SRCC approved</i>	OHS 7	Booklet
<b>Officewise:</b> A Guide to Occupational Health & Safety in the Office	OHS 1	Booklet
<b>OHS &amp; Workplace Induction:</b> The Management of Occupational Health and Safety in Commonwealth Agencies: Induction at the Workplace - <i>SRCC approved</i>	OHS 13	Booklet
<b>OHS Committees:</b> Participating in Effective OHS Committees: A Guide for Committee Members - <i>SRCC approved</i>	OHS 12	Booklet
<b>Plant:</b> Factsheet Series 19 (Plant)	FS 19a-f	Factsheet

<b>Psychological Injuries:</b> Preventing & Managing Psychological Injuries in the Workplace: Agency Head / Senior Manager's Guide	PUB 7	Booklet
<b>Psychological Injuries:</b> Preventing & Managing Psychological Injuries in the Workplace: Manager's Guide	PUB 8	Booklet
<b>Quality of Working Life:</b> Developing an Action Plan to Improve Health and Productivity	OHS 24	Booklet
<b>Radiation (Ionising):</b> Approved Code of Practice on Limiting Occupational Exposure to Ionizing Radiation	FS 11	Factsheet
<b>Radiation (Non-Ionising):</b> Radiofrequency Electromagnetic Radiation	FS 38	Factsheet
<b>Recording:</b> Approved Code of Practice on Workplace Injury & Disease Recording	FS 35	Factsheet
<b>Risk Management:</b> A Guide to Identifying Hazards in the Workplace - <i>SRCC approved</i>	OHS 10	Booklet
<b>Risk Management:</b> The Principles of the SRC Commission OHS Risk Management Model - <i>SRCC approved</i>	OHS 30, Nos 1 to 6	Information sheets
<b>Risk Management:</b> Applying Occupational Health and Safety Risk Management Principles to an Agency Purchasing Function	FS 25	Factsheet
<b>Slips, Trips &amp; Falls:</b> Guide to Preventing Slips, Trips and Falls - <i>SRCC approved</i>	OHS 35	Booklet
<b>Slips, Trips &amp; Falls:</b> Managers' Quick Reference Guide	OHS 34	Brochure
<b>Smoking:</b> OHS Risks of Smoking	FS 41	Factsheet
<b>Training:</b> Guidance Material on Competency-Based OHS Training for Commonwealth Employers - <i>SRCC approved</i>	OHS 22	Booklet
<b>Ultraviolet Radiation:</b> Approved Code of Practice on Protection of Workers' From the Ultraviolet Radiation in Sunlight	FS 33	Factsheet
<b>Vibration:</b> Approved Code of Practice on Vibration	FS 32	Factsheet
<b>Welding:</b> Guidance Material	FS 43	Factsheet