

WORKPLACE RELATIONS MINISTERS' COUNCIL

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



5th Edition

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Foreword

This is the fifth edition of the Comparison of Occupational Health and Safety Arrangements in Australia and New Zealand (the OHS Comparison). This edition has been reviewed and restructured based on stakeholder feedback. It provides information for OHS specialists and policy makers who work across jurisdictions to guide and support sound policy making and programme development, and is a valuable resource for multi-jurisdictional employers and health and safety practitioners.

This publication, produced biennially, compares information on the different approaches to workplace health and safety in the Commonwealth, state and territory jurisdictions and New Zealand. It is a companion report to the Workplace Relations Ministers' Council's Comparative Performance Monitoring (CPM) report, which presents statistical information on occupational health and safety (OHS) and workers' compensation outcomes. The OHS Comparison presents information as at 1 July 2008 unless otherwise stated. The fifth edition also provides links to regulators' most up to date information.

The material contained in this publication has been coordinated by the Australian Safety and Compensation Council (ASCC). The information has been supplied by the OHS authorities in Australia and New Zealand. Their cooperation in completing this project is much appreciated.

The role of the ASCC is to lead and coordinate national efforts to improve OHS and workers' compensation arrangements. The ASCC also declares national standards and codes of practice to increase consistency in OHS and provides policy advice to the Workplace Relations Ministers' Council on OHS and workers' compensation arrangements.

The ASCC is not a regulatory authority and does not make or enforce laws. OHS laws are the responsibility of state, territory and Commonwealth OHS authorities.

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Users' guide

This document includes section references for specific provisions in the Occupational Health and Safety Acts.

For example: A Jurisdiction has a provision for inspectors (s5(c)). To find the specific wording and detail for this provision, refer to section 5(c) of the principal OHS Act for that Jurisdiction.

The abbreviations used include:

- s: Section of the Act
- r: Section of the regulation
- SS: Section of the schedule of the Act.

The tables for each chapter incorporate the same abbreviations as the paragraphs. They also include cells that are shaded in grey, to indicate that the provision is not included in the Act or regulations.

Throughout the comparison, there is reference to the *Occupational Health and Safety (Maritime Industry) Act 1993* (Maritime Act), and its relevant scheme, which is Seacare.

There is also reference to the *Occupational Health and Safety Act 1991* (Commonwealth Act), and the relevant administrator, which is Comcare. We have used the term 'Commonwealth' in the tables when referring to Comcare. The term 'Commonwealth' includes non-Commonwealth Licensees (self-insurers).

Introduction

Purpose of this publication

The Comparison of Occupational Health and Safety Arrangements in Australia and New Zealand (the OHS comparison) has been compiled for occupational health and safety (OHS) specialists, practitioners, policy makers and multi-jurisdictional employers to compare key provisions in the OHS legislation within Australia and New Zealand.

The Evolution of OHS in Australia

Australia is a federation. Federalism divides power between two levels of government—the Commonwealth and the states and territories. The legislative powers of the federal parliament as set out in the Commonwealth Constitution do not give the federal parliament a general power to legislate for OHS.

Australia's states and territories began introducing OHS legislation in the 19th century, reflecting the 19th century British model of regulating OHS.

This traditional model for OHS laws was very detailed and contained highly technical specification standards. It was enforced by independent state inspectorates with broad inspection powers. It relied on informal enforcement methods such as advice, education and persuasion and could be supported by formal prosecution through the criminal law system as a last resort.

There were both advantages and disadvantages to the traditional approach of specifying standards for duty holders. It was always clear to a duty holder exactly what their duties entailed and what they needed to do to fulfil their duties. It was also easy for OHS inspectorates to enforce.

However, the approach did not allow for much involvement in OHS by industry, and workers and unions had no influence or input at all. As it was developed ad hoc, OHS legislation was difficult to keep up to date, and due to its detailed and technical nature, was often difficult to understand. The legislation usually focused on physical hazards that arise in factories, and it ignored the possibility that hazards could arise from the way work is organised. This meant that, even in the same workplace, there could be uneven coverage of safety issues and using specific standards to deal with hazards also did not allow for employers to be innovative or adapt the standards to better suit their particular workplace.

The situation in New Zealand was very similar to Australia. The Factories legislation was introduced in the 1890s and new legislation continued to be introduced in a haphazard approach whenever the need arose in a new industry. The laws were usually quite narrowly focused on a particular industry, and were generally enforced by inspectors.

Robens

In 1970 the United Kingdom (UK) Government appointed a committee of inquiry into safety and health at work, chaired by Lord Robens. The 1972 report of the Robens Committee¹ had a significant impact on approaches to OHS legislation in the UK. The main point that the report led to was that a more unified and integrated system of OHS laws would increase the effectiveness of the UK's contribution to health and safety at work. Robens promoted a model of 'self-regulation' in relation to safety. This reflected his view that there was an intrinsic community of interest in OHS between management and workers.

OHS Regulatory Structure

Each of the Australian OHS statutes adopts the three tiered approach recommended by the Robens Committee. The first tier is the Act and includes broad, overarching general duties for those who influence or exercise control over OHS in workplaces. It also includes consultation and representation provisions, and provisions to help enforce the Act. This is followed by a second tier of more detailed provisions, obligations and requirements within regulations, and complemented by guidance on how to comply with the Act and regulations outlined in codes of practice. Refer to Appendices 1, 2 and 3 for lists of the relevant legislation, regulation and codes of practice in Australia and New Zealand.

The Reform of Australian and New Zealand OHS law

The weaknesses identified by the Robens Report in the UK also existed in Australia and it became clear that OHS reform would be necessary. Since then, each of the Australian jurisdictions enacted new OHS statutes based, to varying degrees, on the model proposed by Robens. New Zealand conducted a comprehensive review of the various health and safety laws during the 1980s, and implemented the main principles of the Robens report into new OHS legislation. They placed a particular importance on managing hazards in the workplace.

While each piece of OHS legislation follows the Robens recommendations, significant variance in substance exists between jurisdictions.

In the past decade, all jurisdictions have undertaken major reviews of their OHS laws, with the most recent reviews being completed in the Northern Territory and the Australian Capital Territory.

¹ Lord Robens, *Report of the Committee on Safety and Health at Work* (London: HMSO, 1972).

In February 2008, the Workplace Relations Ministers' Council agreed to the use of model OHS legislation as the most effective way to achieve harmonisation, and in April 2008, the Australian Government appointed an independent advisory panel to conduct a national review to inform the development of a model OHS Act. The review is examining OHS legislation in each state, territory and Commonwealth jurisdiction in order to make recommendations to the Workplace Relations Ministers' Council on the optimal structure and content of a model OHS Act that can be adopted in all jurisdictions.

Furthermore, an historic Intergovernmental Agreement was signed by the Council of Australian Governments (COAG) in July 2008 which commits the state, territory and Commonwealth governments to the implementation of uniform OHS legislation, complemented by consistent compliance and enforcement. COAG also agreed to an accelerated timetable for implementing the model OHS laws, with the implementation timeframe brought forward one year to 2011.

Objects of Acts

The objects of each jurisdiction's Act lay out the purpose of the legislation. With the exception of Tasmania's OHS Act which does not have an objects clause, each jurisdiction has objects that are similar in principle. The primary object of Australian and New Zealand OHS legislation is to secure and promote the health, safety and welfare of people at work. Some Acts have additional, unique objects which are outlined below.

Northern Territory has objects to achieve the highest possible standards of OHS (s3(a)) and to achieve a consistent, properly co-ordinated and coherent approach to OHS (s3(e)).

Western Australia has an object to assist in securing safe and hygienic work environments (s5(c)) and to provide for the formulation of OHS policies (s5(f)).

New South Wales has an object to provide a legislative framework that allows for progressively higher standards of OHS (s3(g)) and to deal with the impact of dangerous goods and plant at, and beyond, the workplace (s3(h)).

South Australia has an object to encourage registered associations to take a constructive role in promoting improvement in OHS and welfare practices (s3(e)).

The Commonwealth has an object to encourage and assist employers, employees and other persons to observe their obligations under the OHS Act (s3(f)).

Victoria's OHS statute draws out the principles underpinning health and safety in a separate section (s4). These are designed to be read in conjunction with the objects.

New Zealand has objects to impose various duties on persons who are responsible for work and those who do the work (s5(c)), set requirements that relate to taking all practicable steps to ensure health and safety and are flexible to cover different circumstances (s5(d)), recognise that volunteers doing work activities for other persons should have their health and safety protected (s5(e)) and to prohibit persons from being indemnified or from indemnifying others against costs of fines and infringements fees for failing to comply with the Act (s5(h)).

Objects of the Acts

	Protect persons at or near workplaces from risks to health or safety arising out of the activities of persons at work	Ensure that risks to OHS are identified, assessed and eliminated or controlled	Provide for consultation and co-operation between employers and employees on health, safety and welfare at work	Promote an occupational environment that is adapted to health and safety needs	Develop and promote community awareness of OHS issues	Ensure that expert advice is available on OHS matters affecting employers, employees and contractors	Provide effective remedies if obligations are not met
New South Wales	s3(b)	s3(e)	s3(d)	s3(c)	s3(f)		
Victoria	s2(1)(a), (c)	s2(1)(b)	s2(1)(d)				
Queensland	s7(1)		s7(3)(e)			s7(3)(f)(i)	s7(3)(f)(iii)
Western Australia	s5(b)	s5(d)	s5(e)		s5(g)		
South Australia	s3(a), (c)	s3(b)	s3(d)				
Tasmania							
Northern Territory	s3(c)	s3(b)	s3(d)	s3(c)	s3(f)		
Australian Capital Territory	s2(b)		s2(d)	s2(c)			
Seacare	s3(b)		s3(e)	s3(d)		s3(c)	
Commonwealth	s3(b)		s3(e)	s3(d)		s3(c)	s3(g)
New Zealand	s5	s5(b)	s5(f)				s5(g)

Duties

This chapter outlines the duty holders and their general duties of care under the principal OHS Acts. The term 'duty' is used across all OHS legislation except Queensland which uses the term 'obligations'. A general duty of care means that duty holders have the responsibility to provide safe and healthy working environments.

	Duties in principal OHS Acts
New South Wales	Part 2, Division 1 Occupational Health and Safety Act 2000
Victoria	Part 3, Divisions 2, 3, 4 and 5 Occupational Health and Safety Act 2004
Queensland	Part 3, Division 1, 2, 3 Workplace Health and Safety Act 1995
Western Australia	Part III, Division 2 Occupational Safety and Health Act 1984
South Australia	Part 3 Occupational Health, Safety and Welfare Act 1986
Tasmania	Part 3 Workplace Health and Safety Act 1995
Northern Territory	Part 5 Workplace Health and Safety Act 2007
Australian Capital Territory	Part 4, Division 4.1 Occupational Health and Safety Act 1989
Seacare	Part 2, Division 1 Occupational Health and Safety (Maritime Industry) Act 1993
Commonwealth	Part 2, Division 1 Occupational Health and Safety Act 1991
New Zealand	Part 2 Health and Safety in Employment Act 1992

The Duty Holders

A duty holder is any person who has a legal responsibility under the relevant OHS legislation, regulations or guidance in their jurisdiction to provide a duty of care. In all jurisdictions, duties of care are owed to employees or workers and third parties or others. The following section outlines who the duty holders are within each jurisdiction.

Employers, Self-employed and Persons in Control

In every jurisdiction employers are duty holders. In most jurisdictions duties also apply to owner-occupiers, persons in control of workplaces and the self-employed.

Queensland's Act places duties on persons conducting a business or undertaking and this includes employers, self employed and others (s10 and s12), and these duties are listed under the employers column in the table below. Queensland also has a provision for clients (s30A) and project managers (s30C) as duty holders.

Tasmania's Act has a provision for 'responsible officers' (s10). Employers must appoint a responsible officer for each workplace at which the employer carries out business. The responsible officer holds the same duties of care that their employer holds.

The Maritime Act has provisions for operators of a prescribed ship or unit rather than employers. The operator is responsible for the health and safety at work of employees.

New Zealand includes duties of principals (s18). Officers, directors and agents of a body corporate that is found in breach of the Act may also be liable for their acts or omissions as individuals (s56).

Employees

Every jurisdiction also considers employees or workers to be duty holders, though the terminology is not consistent across Australia, so the two terms have been separated in the table below. Contractors are included in the table as they are increasingly common in the workplace, but are not always specified in OHS Acts as being duty holders. Some jurisdictions definition of a worker includes employees, contractors, sub-contractors, apprentices and volunteers.

Other persons at a workplace

Some Acts apply duties to 'a person', 'all persons' or 'other persons'. An example of the types of duties is for a person not to interfere with or misuse things provided for health and safety. For New South Wales, Victoria and Tasmania these duties are in addition to the other duties specifically required of previously identified duty holders.

Table 1a—Duty Holders

Jurisdiction	Employers	Owner/ occupier	People in control of workplaces	Self- employed	Contractors	Employees	Workers	Other persons at a workplace
New South Wales	s8		s10	s9		s20		s21, 24, 25
Victoria	s21	s26	s26	s24		s25		s32
Queensland	s28	s34C, 34D	s30	s28	s31, principal contractors		s36	s36
Western Australia	s19, 21		s22	s21		s20		
South Australia	s19, 20, 22	s23		s22	s4(2), 22	s21	s21	s25
Tasmania	s9		s15	s13		s16		s19, 20
Northern Territory	s55–57	s56(2a) s4 defines occupier as person in control of workplace			s59	s59	s59	
Australian Capital Territory	s37, 38		s39	s41		s40		
Seacare	s11–14					s27		
Commonwealth	s16, 17					s21		
New Zealand	s6–13, 15		s16	s17		s19		

Others

Persons who are responsible for activities that have an impact on health and safety in the workplace may also have a duty of care, such as those persons who design, manufacture, import and supply products used in the course of work.

Most jurisdictions have enacted duties of care for designers in relation to plant or substances, but not all cover buildings and structures. Those OHS Acts that do not have specific duties for designers place the duty on manufacturers to ensure that the design enables safe use. In South Australia (s23A(1)(a)) and Western Australia (s23(1)(a)), designers of buildings and structures must ensure the safety of those who construct, maintain, repair or service the building or structure, as well as for those who use it. Victoria only requires the design of buildings and structures to be safe for persons using them as a workplace (s28(1)).

All jurisdictions apply duties of care to suppliers of plant and substances.

All Australian jurisdictions have duties of care relating to the installation and erection of plant for work. Some jurisdictions extend this obligation to the installation and erection of structures to be used at, or as, a workplace.

In South Australia, the plant must also be installed or erected so that it is safe when subjected to foreseeable forms of misuse and when maintained (s24(2)). The definition of 'use' in relation to plant includes maintenance.

In New South Wales, persons installing or erecting plant have the duties of a manufacturer, therefore they must ensure that the plant is safe when used and provide information about the way the plant is to be used (s11(3)).

Seacare includes maintainers or repairers of plant as duty holders (s23) and persons engaged in loading or unloading a prescribed ship or unit (s25).

New Zealand includes sellers and suppliers of plant as duty holders (s18A).

Table 1b—Duty Holders

Jurisdiction	Constructors	Manufacturers	Erectors/Installers	Suppliers	Designers	Importers
New South Wales	s11(3)	s11	s11(3)	s11	s11	r85, 99
Victoria		s29	s31	s30	s27, 28	s30
Queensland	s31	s32A, 34	s33	s32B, 34A	s30B, 32	s32B, 34A
Western Australia	s23(3a)	s23(1), (3)	s23(2)	s23(1), (3)	s23(1), (3a)	s23(1), (3)
South Australia		s24, 24A, 25	s24(2)	s24, 24A, 25	s23A, 24; 24A, 25	s24, 24A, 25
Tasmania		s14	s14	s14	s14	s14
Northern Territory	s56(2)(b), 57(2)(a)	s56(2)(b), 57(2)(a)	s56(2)(b), 57(2)(a)	s56(2)(b), 57(2)(a)	s56(2)(b), 57(2)(a)	s56(2)(b), 57(2)(a)
Australian Capital Territory		s42	s44	s43		
Seacare	s24	s15, 16	s22	s19		s17
Commonwealth		s18	s20	s19		s18(3)
New Zealand		r67, 69		s18A; r67, 69	r66, 68	

Duties of Care

Duties of Employers

In most jurisdictions, the employer's duty is to provide and maintain a working environment that is safe and without risks to the health of employees, including apprentices, while they are at work, as far as is practicable. However in Queensland and New South Wales the duty is an absolute one, subject to certain defences. It is also an employer's duty to ensure that people other than employees are not exposed to health or safety risks arising from work being undertaken.

Employers have more specific duties under the legislation to clarify their general duty of care. Across all jurisdictions, employers have a duty to provide and maintain safe plant and systems of work that minimise health risks. They also have a duty to ensure that plant and substances are used, handled and stored and transported safely. Employers must also give employees information, instruction, training and supervision, particularly about the plant, equipment and substances they use in their work.

Victoria has a duty to engage a qualified person to provide advice to the employer in relation to health and safety of employees (s22(2)(b)).

The table below shows the specific duties of employers in relation to the health and safety of people at or near the workplace.

Table 2—Duties of Employers

Jurisdiction	Take measures to ensure that the workplace is safe	Provide adequate facilities for the welfare of employees while they are at work	Monitor the health of the employees	Monitor conditions at any workplace under their control and management	Keep information and records relating to health and safety of employees	Provide information to employees in appropriate languages about health and safety	Develop and maintain a policy relating to occupational health and safety	Provide medical and first aid services/ equipment for employees
New South Wales	s8(1)(a)	s8(1)(e), r18, 19	r165	r9-12	r65, 81F, 131, 143	s8(1)(d)		s8(1)(e)
Victoria	s21(1), (2)	s21(2)(d)	s22(1)(a)	s22(1)(b)	s22(2)(a)	s21(2)(e), 22(1)(c)		
Queensland	s29(a), (b), (c), (d)					s29(e)		
Western Australia	s19(1)					s19(1)(b)		
South Australia	s19(1)(a), 22	s19(1)(b)	s19(3)(a)	s19(3)(h)	s19(3)(b), (3)(da)	s19(1)(c), (3)(c), (d), (f), (g)	s20	
Tasmania	s9(1)	s9(1)(b)	s9(2)(a)	s9(2)(h)	s9(2)(b)	s9(2)(c), (d), (e), (f), (g)		
Northern Territory	s56(1), 57(1)(a)		s60(1)(a)	s60(1)(b)	s60(1)(c), (2), (3),	s57(1)(b)		
Australian Capital Territory	s37(1), (2)	s37(2)(a)(ii)	s37(2)(g)		s37(2)(h)	s37(2)(d)	s37(2)(e)	s37(2)(i)
Seacare	s11(3)(a), (4)	s11(3)(b)	s11(7)(a)	s11(7)(b)	s11(7)(b)	s11(6)		s11(7)(c)
Commonwealth	s16(2)(a)(i)	s16(2)(a)(ii)	s16(5)(a)	s16(5)(a)	s16(5)(b)	s16(2)(e)	s16(2)(d)	s16(5)(c)
New Zealand	s6(a), (c), (d)	s6(b)	s10(2)(d)	s10(2)(c)	s7(2)	s12(1), (2), 13	s6(e)	

Duties of self-employed

All jurisdictions except Maritime and Commonwealth specify that the self-employed have a duty to ensure the safety or health of others who could be affected by their work or any hazards that arise from their work. In Queensland, a person who conducts a business or undertaking includes the self-employed. Self-employed persons also have an explicit duty to ensure their own safety and health at work, except in Victoria.

Duties of Employees

In all jurisdictions, employees have a duty to take reasonable care of their own health and safety while at work and to avoid adversely affecting the health and safety of any other person at or near the workplace who may be affected by the employee's acts or omissions. They also have a duty to cooperate with the employer or any other person to fulfil requirements imposed in the interests of safety and health. In addition, South Australia has a provision that employees must ensure that they are not in an alcohol or drug-induced state that could endanger their own safety and the safety of others at work (s21(1b)(d)).

The following table describes the other specific duties of employees.

Table 3—Duties of Employees

	Ensure that they do not take any action that creates a risk or increases a risk to the health and safety of themselves, or any other persons at the workplace	Cooperate with the employer to fulfil their duties	Use equipment in a safe and proper manner and in accordance with the employer's instructions	Not intentionally or recklessly interfere with or misuse anything provided for workplace health and safety	Duty to report any hazards or injuries as soon as practicable after they occur
New South Wales	s20(1)	s20(2)	s20(2)	s21	
Victoria	s25(1)(a), (b)	s25(1)(c)		s25(2)	
Queensland	s36(d), (e)	s36(a)	s36(b)	s36(c)	
Western Australia	s20(1)(a), (b)	s20(2)(a), (3)		s20(2)(c)	s20(2)(d)
South Australia	s21(1), (1a)	s21(1b)(b)	s21(1b)(a)		
Tasmania	s16(a)	s16(b)		s20(a)	
Northern Territory	s59(1)(a)	s59(1)(b)	s59(1)(c)	s59(2)	s59(1)(d)
Australian Capital Territory	s40(1)(a)	s40(1)(b)	s40(1)(c)		
Seacare	s27(2)	s27(3)	s27(4), (5)		
Commonwealth	s21(1)(a)	s21(1)(b)	s21(1)(c)		
New Zealand	s19				

Consultation and Representation

There is considerable evidence that consultation between employers, workers and their representatives contributes to effective management of health and safety in the workplace. Consultation refers to an employer's duty to consult with their employees about OHS issues in the workplace. This obligation can often be met by consulting through a health and safety representative or committee.

	Consultation and Representation in principal OHS Acts and regulations
New South Wales	Part 2, Division 2 Occupational Health and Safety Act 2000 Chapter 3 Occupational Health and Safety Regulations 2001
Victoria	Part 4, Part 7, Part 8 Occupational Health and Safety Act 2004 Occupational Health and Safety Regulations 2007
Queensland	Part 7 Workplace Health and Safety Act 1995
Western Australia	Part III, IV Occupational Safety and Health Act 1984
South Australia	Part 4 Occupational Health, Safety and Welfare Act 1986 Occupational Health, Safety and Welfare Regulations 1995
Tasmania	Part 5 Workplace Health and Safety Act 1995
Northern Territory	Part 4 Workplace Health and Safety Act 2007
Australian Capital Territory	Part 4, Part 5 Occupational Health and Safety Act 1989
Seacare	Part 3 Occupational Health and Safety (Maritime Industry) Act 1993
Commonwealth	Part 3 Occupational Health and Safety Act 1991
New Zealand	Part 2A Health and Safety in Employment Act 1992

Duty to consult

The Act in each jurisdiction in Australia requires employers to consult with their employees. This allows employees to contribute to the making of decisions affecting their health, safety and welfare at work. Some pieces of legislation include this duty in with employer's general duties and other pieces of legislation have separate and specific parts or divisions for the employer's duty to consult.

Consultation includes:

- sharing relevant information about OHS with employees
- allowing employees the opportunity to express their views and to contribute to the resolution of OHS issues at work
- valuing the views of employees and taking them into account.

Consultation is required when:

- OHS risks are identified, assessed or reviewed
- decisions are made about measures taken to eliminate or control risks
- decisions are made about the adequacy of facilities for the welfare of employees
- workplace changes occur that may affect the OHS of people at a place of work
- changing procedures for monitoring risks and the health and safety of employees
- deciding procedures for issue resolution.

Consultation can be undertaken:

- with a Health and Safety Representative (HSR)
- with a Health and Safety Committee (HSC) or
- in accordance with other arrangements agreed by the employer and the employees.

New Zealand has a provision that every employer must provide reasonable opportunities for their employees to participate in ongoing processes for improvement of OHS, leaving the specifics of the employee participation system to be negotiated at the workplace. Depending on the number of employees, where there has not been agreement between employees, union and employer on a system of employee participation for the workplace, there is a default process for the election of HSRs or employee members or a HSC.

Designated Workgroups/Workplaces (DWGs)

In most jurisdictions, employers create designated workgroups (DWGs), usually at the request of their employees. Queensland's Act does not require DWGs specifically, they consider a HSR's area of representation as the whole workplace, or a portion of it as negotiated (s69, 70). Designated workgroups need to be established in a way that best enables employees' interests relating to OHS to be represented and safeguarded. Other things that may need to be considered when establishing or varying a designated workgroup are the number of employees, their groupings, the nature and type of work conducted, the natures of risks to health and safety at the workplace or in the work area, areas at the workplace where each type of work is performed, arrangements at the workplace relating to overtime or shift work, and whether other languages are spoken by employees.

Victoria has a provision that if negotiations for DWGs are not resolved, an inspector from the authority can be called in to determine the particulars of the DWGs (s45).

Table 4—Duty to Consult and Creation of DWGs

	Employers duty to consult employees on OHS matters	DWGs
New South Wales	s13–16; r27	r23
Victoria	s35, 36; r2.1.5	s43–53
Queensland	s18(2)(b), s76–80	
Western Australia	s19(1)(c)	
South Australia	s3(d); r1.3.1	s27
Tasmania	s31	s23
Northern Territory	s30–32	s33–35
Australian Capital Territory	s37(3)	s53–55
Seacare	s12	s34–40
Commonwealth	s16	s24, 24A, 24B
New Zealand	s19A, 19B, 19C	

Health and Safety Representatives (HSRs)

Tasmania refers to HSRs as Employees' Safety Representatives (ESRs). Western Australia refers to HSRs as Safety and Health Representatives (SHRs). New South Wales refers to HSRs as OHS Representatives. For the purposes of this section, ESRs and SHRs information will be included under the heading HSR.

Once the workgroups have been established a Health and Safety Representative (HSR) can be selected by the employees within that workgroup. In some jurisdictions, a HSR needs to be accessible to each employee in their workgroup.

New Zealand does not require the election of HSRs where an alternative system is agreed. However they are required to be elected where there is not agreement, or may be a part of an agreed employee participation system, and their roles determined by employees, unions and employers (s19A, 19B, 19C, 19D).

Table 5—Health and Safety Representatives General

	Selection	Term of Office	Training	Powers/ Functions	PINs	Liability	Employers' duties towards HSRs	Access to privileged information	Resignation/ Disqualification/ Termination	Deputy HSRs	Exemptions
New South Wales	s17(2), (4); r25	r24(h), 25(d)	r31	s18, r30			r27		r22(2)(d)		s17(1), (2)
Victoria	s54	s55	s67	s58, 59	s60		s68–71		s56	s57	
Queensland	s67, 68, 71–75	s84	s70(e)	s81			s76–80		s85		
Western Australia	s29–31	s32	s35(1b), (3)	s33	s51AC	s33(3)	s35–35D		s34		
South Australia	s28	s30	s31A	s32	s35		s34		s30	s29	
Tasmania	r31	s32(3); r32	r33	r34, 36, 37	r36(2)		s32(2); r35	r35	r38		s32(1)
Northern Territory	s36	s37	s42	s38–41			s43, 44				
Australian Capital Territory	s56–58	s62	s61(1)(f)	s59, 60	s67–71	s65	s61		s63, 64	s66	s52
Seacare	s41–45	s46	s47	s48–55	s57–60	s56	s61–68	s69, 70	s71, 72		
Commonwealth	s25–25C	s26	s27	s28	s29	s28(7)	s30		s31, 32	s33	
New Zealand			s19E–19G	s46A, 28A; SS1A (2)	s46A (hazard)		s12				

Functions, Powers and Responsibilities of HSRs

The role of HSRs is to represent the interests of employees in their designated workplace or workgroup on OHS matters. They are given powers within the OHS legislation and regulation to help them achieve that role.

New South Wales allows for HSRs to review measures taken to ensure the health and safety of persons at work (s18(a)), to assist in the development of arrangements for recording workplace incidents (r30(1)(e)) and to make recommendations on training of employees in relation to OHS (r30(1)(f), (g)).

Queensland HSRs have the right to be informed by an employer of the presence of an inspector at the workplace (s81(1)(h)) and to be told by the employer of any workplace incident (s81(1)(b)).

Western Australian HSRs have the responsibility to keep up to date with the safety and health information provided by their employer (s33(1)(c)) and to refer appropriate matters to be considered by the health and safety committee (s33(1)(e)).

In the Northern Territory, the HSR has a power to issue a notice of safety hazard in appropriate circumstances (s38(1)(f)) and to issue a direction to a worker to stop work in a case of serious and immediate risk to the health or safety of the worker (s38(1)(g)).

The Maritime Act states that HSRs must notify the person in command if they request an investigation of the workplace by the inspectorate (s48(2)).

New Zealand includes a right for HSRs to validate an employee's right to refuse work that is likely to cause them serious harm (s28A), and the right to consult with inspectors on health and safety issues (SS1A(2)(c)).

Victoria, Western Australia, Australian Capital Territory, Maritime and Commonwealth have a provision for HSRs to issue PINs. PINs are covered in detail in the chapter on Compliance and Enforcement Measures. South Australia has a provision that permits a HSR to issue a default notice where prior consultation with the employer has not resolved the matter (s35).

In Victoria, HSRs have the power to direct that work stops where an immediate risk to health and safety exists (s74).

Table 6—Functions, Powers and Responsibilities of HSRs

	Inspect a workplace following an incident, to assess risks or if they've given the employer reasonable notice	Request an investigation by an inspector to resolve an OHS matter	Accompany an inspector during inspections	Consult with employers on OHS matters	Liaise with employees on OHS matters	Investigate OHS matters or complaints in the workplace
New South Wales	s18(b)	s18(c)	s69(1)(b); r30(1)(a), (b)	r29		s18(b); r30(1)(d)
Victoria	s58(1)(a)	s58(1)(f), 63	s58(1)(b)	s60(2)		s58(2)(c)
Queensland	s81(1)(a)	s81(1)(j), (k)		s81(1)(b)(e), (f), (i)		s81(1)(d), (i)
Western Australia	s33(1)(a), (b)		s33(2)	s33(1)(d), (f)	s33(1)(g)	s33(1)(a), (b)
South Australia	s32(1)(a)	s35(2)	s32(1)(b)	s32(1)(f)	s32(2)(b)	s32(1)(c)
Tasmania	r34(2)(a), (c)	r34(3)	r34(2)(b)	r34(1)(c)	r34(1)(a)	
Northern Territory				s38(1)(c), (d)	s38(1)(a), (b), (d)	
Australian Capital Territory	s59(a)		s59(b)	s59(c)		s59(e)
Seacare	s48(1)(a)	s48(1)(b)	s48(1)(c)	s48(1)(d)		s49
Commonwealth	s28(1)(a)(i)	s28(1)(a)(ii)	s28(1)(a)(iii)	s28(1)(a)(iv)		s28(1)(b)
New Zealand				SS1A(2)(b)	SS1A(2)(d)	

Table 6—Functions, Powers and Responsibilities of HSRs (continued)

	Help the resolution of OHS issues	Be present at interviews between employers/ inspectors	Access information on risks to employee's health and safety at a workplace	Require the establishment of a health and safety committee	Examine records of the OHS committee	Encourage and foster safe work practice
New South Wales	s18, r29(2)	r30(1)(c)				s18(d); r30(1)(e)
Victoria	s73	s58(1)(d), (e)	s69(1)(a)	s58(1)(c)		
Queensland	s81(1)(g)	s81(1)(c)		s81(1)(l), (m)		
Western Australia						
South Australia	s35(1)	s32(1)(d), (e)	s34(1)(g)	s31(1)(a)		
Tasmania		r34(4)				r34(1)(b)
Northern Territory	s38(1)(e)					
Australian Capital Territory		s59(f)	s59(g), (h), 60		s59(d)	
Seacare		s50	s51		s48(1)(e)	
Commonwealth		s28(1)(c)	s28(1)(d)		s28(1)(v)	
New Zealand			s12			SS1A(2)(a)

Health and Safety Committees (HSCs)

Health and Safety Committees (HSCs) are usually established at the request of employees and, in some jurisdictions, at the direction of employers. They can be established in the workplace to help resolve occupational health, safety and welfare issues.

Queensland has a provision that outlines the times of meetings (s88) and the proceedings at meetings (s89).

Similar to their system for electing HSRs, New Zealand does not require the establishment of HSCs, however they can be incorporated into an employee participation system and their roles determined by employees, unions and employers (s19A, 19B, 19C) or employees and their union(s) may choose to elect representatives to a HSC under the default provisions (SS1A (4)(2)(b)).

Table 7—Health and Safety Committees General

	Establishment	Composition	Functions	Meetings and procedures	Liability	Employer's duties in relation to HSCs	Access to privileged information	Exemptions
New South Wales	s17(1), (4)	r24	s18, r30	s19, r22(2)(e)		r27		
Victoria	s72(1)	s72(2)	s72(3)	s72(4), (5)		s35(1)(e)		
Queensland	s86	s87	s90	s88, 89				
Western Australia	s36–39B	s39C	s39E, 40	s41				
South Australia	s31(1)	s31(2), (4), (12)	s33	s31(9), (10), (11)		s34	s34(2)	
Tasmania	s26	s27	s28, 29	s30		s31		s26
Northern Territory	s45		s46			s47		s48
Australian Capital Territory			s86		s88	s87		s52
Seacare	s73(1)	s73(2)	s74, 75	s73(4), (5), (6), (7), (8)	s76	s77	s78, 79	
Commonwealth	s34	s34(3), (4)	s35	s34(3)	s35(3)(b)	s36		s34(1)
New Zealand	SS1A(4)(2)	SS1A(4)(2)(b)						

Authorised representatives' powers and obligations

Five of the principal OHS Acts allow for authorised representatives. Authorised representatives are officers of an industrial organisation of employees.

Table 8—Authorised Representatives

	Authorised representatives in principal OHS Acts
New South Wales	Part 5, Division 3 Occupational Health and Safety Act 2000
Victoria	Part 8 Occupational Health and Safety Act 2004
Queensland	Part 7A Workplace Health and Safety Act 1995
Northern Territory	Part 4, Division 7 Workplace Health and Safety Act 2007
Australian Capital Territory	Part 5, Division 5.4 Occupational Health and Safety Act 1989

Entering a workplace

An authorised representative can enter what they reasonably believe is a workplace where a member or potential member works, at a reasonable time and without prior notice in order to investigate a suspected OHS breach.

Authorised representatives must notify the employer or occupier that they are on the premises and produce their authorisation.

They can only enter residential premises with the occupier's permission.

Investigation

The powers for authorised representatives to make enquiries and gather evidence are similar to those provided to OHS inspectors. However, authorised representatives do not have the enforcement powers that inspectors hold. Both New South Wales and Victoria allow an authorised representative to request the assistance of an inspector.

Authorised representatives must do as little damage as possible during their investigations. They do not have authority to interrupt work, for example they must hold discussions with members or potential members during work breaks. They must not hinder or threaten people at the workplace. They can only use information acquired at the workplace as permitted by the legislation or with the person's permission.

There may be additional obligations relevant to authorised inspectors under other legislation, such as the Commonwealth *Workplace Relations Act 1996*.

Incident Reporting Requirements

When serious incidents occur that are attributable to the conduct of the employer's undertaking at the workplace, there are rules that must be followed, and authorities must be notified of the incidents within certain timeframes. Each jurisdiction differs regarding the time frames for reporting incidents, who to report them to and the length of time that records of incidents must be kept. This is described in detail below.

Reportable incidents

In every jurisdiction, incidents or events that must be reported include the death of a person, an incident as a result of which the employee is incapacitated for work for a prescribed period or requires medical attention, an injury to a person other than an employee of the employer, or a dangerous occurrence. Each jurisdiction provides a definition for the incidents that must be reported in various levels of detail ranging from a broad definition to a descriptive list of the specific incidents to be notified.

The following parts of each act or regulation deal with notifiable and reportable incidents.

Table 9—Reportable Incidents

	Part of the principal Act	Part of the principal regulation
New South Wales	Part 5, Division 4	Chapter 12, Part 12.1
Victoria	Part 5	
Queensland		Part 7
Western Australia	Part III, Division 5	Part 2, Division 1
South Australia		Part 6, Division 6.6
Tasmania	Part 7	Part 3, Division 6
Northern Territory	Part 6	Part 6, Division 2
Australian Capital Territory	Part 10	Part 5
Seacare	Part 5	Part 4
Commonwealth	Part 5	Part 5
New Zealand	Part 4	

Reporting timeframes

Notification of incidents and reporting requirements are essential to enable employers, OHS managers and policy makers to target prevention activities and formulate policy. It also allows OHS authorities to fulfil their responsibilities to investigate incidents and to collect, interpret, analyse and report information and statistics relating to health and safety.

The tables below specify the maximum length of time a workplace is given in which to notify incidents, and requirements for reporting and record keeping.

The length of time allowed for incident notification, and reporting in writing varies between notifying immediately and reporting within 7 days. Employers are required to keep records of reportable workplace incidents for a certain period of time. This ranges from one year to 30 years.

In the Northern Territory, an employer must make a copy of the report available for inspection (s65(3)).

Table 10—Reporting Requirements and Timeframes

	Reporting requirements			
	Who is responsible for reporting	To whom events are reported	Retaining records	
New South Wales	Occupier, employer	WorkCover	r343	Employer for at least 5 years
Victoria	Employer, self-employed	WorkSafe	s38(4)	Employer for at least 5 years
Queensland	Employer, principal contractor, any other person	Dept. of Employment and Industrial Relations	r53(4)	Employer for 1 year
Western Australia	Employer, self-employed	WorkSafe WA Commissioner		
South Australia	Employer, person in charge of the workplace	SafeWork SA	r1.3.7	Employer for at least 3 years
Tasmania	Person with control	Workplace Standards Tasmania		
Northern Territory	Employer	NT WorkSafe	s65(2)	Employer for at least 5 years
Australian Capital Territory	Employer	Chief Executive—via Office of Regulatory Services	s205;	Employer for 5 years
Seacare	Operator	Inspectorate	s108; r15	Operator for 5 years
Commonwealth	Employer	Comcare	s69; r37G	Employer for 30 years
New Zealand	Employer, self-employed, principal	Secretary		

Table 10—Reporting Requirements and Timeframes (continued)

	Timeframe for reporting incidents					
	Fatality or serious injury		Work-related Illness		Dangerous event	
New South Wales	s86(1); r341	As soon as possible but not later than 7 days after becoming aware	s86(1)(b); r341(b)	As soon as possible but not later than 7 days after becoming aware	r341	As soon as possible but not later than 7 days after becoming aware
Victoria	s37, 38	Immediately, written record within 48 hours			s37(2), 38	Immediately. Written record within 48 hours
Queensland	r52(3)(b)	Promptly after becoming aware, written record within 24 hours	r52(3)(a)	Within 24 hours of becoming aware	r52(3)(a)	Within 24 hours of becoming aware
Western Australia	s23(3)	Forthwith	s23(3)	Forthwith		
South Australia	r6.6.2	As soon as practicable after the occurrence			r6.6.3	As soon as practicable, written record within 24 hours after occurrence
Tasmania	s47	By quickest available means, written report within 48 hours of occurrence	s47	By quickest available means, written report within 48 hours of occurrence	s47	By quickest available means, written report within 48 hours of occurrence
Northern Territory	s64, 65	As soon as practicable, written report with 48 hours of occurrence	s64, 65	As soon as practicable, written report with 48 hours of occurrence	s64, 65	As soon as practicable, written report with 48 hours of occurrence
Australian Capital Territory	s204	As soon as practicable and in any event, within 7 days			s204	As soon as practicable and in any event, within 7 days
Seacare	r12	Notify within 4 hours of becoming aware. Report within 72 hours of becoming aware			r12	Notify within 4 hours of becoming aware. Report within 72 hours of becoming aware
Commonwealth	s68; r37A	By phone within 2 hours of becoming aware of a fatality, in writing within 24 hours of becoming aware of serious injury			s68; r37A	In writing within 24 hours of becoming aware
New Zealand	s25	As soon as possible, written report within 7 days of occurrence	s25	As soon as possible, written report within 7 days of occurrence	s25	As soon as possible, written report within 7 days of occurrence

The Role of the Regulator

The OHS issues that arise in terms of compliance and enforcement are managed and monitored by an OHS regulator. There is a different OHS regulator for each jurisdiction. Each OHS regulator has a role to:

- work in partnership with community to achieve safe workplaces
- set safety standards
- provide interpretations of laws and standards
- provide information and guidance materials in regard to OHS matters
- promote fair, safe and decent work through policy development and community information, managing programs and improving compliance
- promote and encourage safe, fair and productive working lives by working with employers, employees, unions and industry representatives.

The dual role of the regulator in each Australian jurisdiction as enforcer and educator is similar, however different jurisdictions place different levels of importance on those roles. In each jurisdiction, except New South Wales and Tasmania, the OHS Acts mandate the education role of the regulator.

Inspectors' Powers and Obligations

This chapter identifies the main powers and the main obligations OHS legislation places on inspectors. Inspectors are referred to as 'investigators' under the Commonwealth legislation and 'workplace safety officers' in the Northern Territory legislation.

An inspector's role is to support the implementation of OHS legislation in workplaces. OHS regulators expect them to do this in two principal ways;

- by giving advice and direction to duty holders about meeting their OHS responsibilities, and
- by using a range of legislative powers to enforce compliance with the OHS framework in which they operate.

In Tasmania, the Secretary may authorise a person, other than an inspector, to perform the functions and exercise the powers of an inspector (s34(3)).

All principal OHS Acts, except that in New South Wales, explicitly provide inspectors with protection from prosecution where they have used their legislative powers in good faith.

	Inspectors in principal OHS Acts
New South Wales	Part 5 and Part 6 Occupational Health and Safety Act 2000
Victoria	Part 9 Occupational Health and Safety Act 2004
Queensland	Part 9 Workplace Health and Safety Act 1995
Western Australia	Part V Occupational Safety and Health Act 1984
South Australia	Part 5 Occupational Health, Safety and Welfare Act 1986
Tasmania	Part 6 Workplace Health and Safety Act 1995
Northern Territory	Part 2, Division 3; Part 7 Workplace Health and Safety Act
Australian Capital Territory	Part 6 Occupational Health and Safety Act 1989
Seacare	Part 4 Occupational Health and Safety (Maritime Industry) Act 1993
Commonwealth	Part 4 Occupational Health and Safety Act 1991
New Zealand	Part 4 Health and Safety in Employment Act 1992

Entering a workplace

Powers to enter

In general, authorised OHS inspectors have the power to enter what they reasonably think is a place of work, at a reasonable time, for example during work hours.

Table 11—Inspectors Powers of Entry

	Workplace	Other places	Warrant	Bring others
New South Wales	s50	s57	s58	s68
Victoria	s98	s98(2)	s104	s104
Queensland	s104, 105	s104	s106, 107	s108(3)
Western Australia	s43	s43(1)(a)		s43(2), 44
South Australia	s38	s38(1a)		s38(6)
Tasmania	s36	s36	s36(1C)	s36(4)
Northern Territory	s67(1), (4)	s67(3)	s67(2)(b), 69	s68
Australian Capital Territory	s90	s90, 94	s105, 106	s93(h)
Seacare	s89			
Commonwealth	s42			
New Zealand	s31	s31(2), (4)	s31(2), (3)	s31(1)(b)

Obligations and limitations of entry

Identification: OHS Acts, except the Northern Territory's, require OHS inspectors to carry appropriate identification while exercising their powers and to show that identification on request. Inspectors may be appointed with limitations on their powers in which case the limitations are specified on their identifying papers.

Residence: Most jurisdictions do not give OHS inspectors a general power to enter residential premises. Entry may be allowed with the permission of the occupier, or when conferred by a warrant.

Notifying entry: Most Acts require inspectors to take reasonable steps to advise the occupier or employer that they have entered a workplace and the purpose of their visit.

In New South Wales (s69), Victoria (s58(1)(b)) and South Australia (32(1)(b)), HSRs are empowered to accompany an inspector during an inspection.

In the Australian Capital Territory the Act entitles an occupier to be present while a search warrant is being executed (s109).

In Victoria an inspector must also notify an HSR if members of a DWG are in any way affected by the inspector's entry (s102(1)(b)).

Table 12—Inspectors Obligations and Limitations of Entry

	Identification	Cannot enter residences	Notification/ permission
New South Wales	s48, 52	s57	s51
Victoria	s96	s107	s102, 105
Queensland	s102, 103	s104	s105
Western Australia	s42C	s43	s45
South Australia	s52	s38(1a) limited access	s38(10)
Tasmania	s34(2A)	s36(1A)	
Northern Territory	s16	s67(3)	s67(2)(a)
Australian Capital Territory	s91	s90(2)	s92, 107
Seacare	s85		s89
Commonwealth	s40(7)	s5(1) ²	s42
New Zealand	s32	s31(2)	s32

Following entry

General powers following entry

In general: authorised OHS inspectors may inspect, test and make recordings of processes, plant, and places.

Provide advice: Inspectors can give advice or issue improvement notices about correcting flaws. The OHS Acts in South Australia, Victoria and Queensland specifically empower inspectors to provide advice to duty holders. In Queensland the inspector must include directions in an improvement notice. In New South Wales, South Australia, Victoria, Western Australia and the Commonwealth an inspector may include in an improvement notice or prohibition notice directions about the measures to be taken to comply. In the Australian Capital Territory inspectors may, in a compliance agreement, state the measures to be taken to comply.

Require assistance: All jurisdictions empower inspectors to require a person's assistance during their inspection.

Western Australia gives inspectors the power to review PINs (s51AH).

Victoria gives inspectors the power to affirm or cancel a PIN (s63(3)(b)).

South Australia's Act allows inspectors to confirm a HSR's default notices (s37(4)), and they may take reasonable steps to resolve a complaint of bullying or abuse (s55A).

Australian Capital Territory inspectors are allowed to take action to prevent imminent risk (s96, 99).

The Maritime Act has a provision that an inspector must inform the person in command if they believe that a response to a prohibition notice will not entirely remove a risk (s94).

² Refers to definition of 'workplace'—a workplace does not include a place primarily used as a private dwelling.

Table 13—Inspectors Powers Following Entry

	General	Provide advice	Require assistance from persons at work	Require owner or occupier to destroy something	Carry out medical examinations	Direct a workplace or thing to be undisturbed to allow inspection
New South Wales	s59		s59(e), (f)		s59(c)	s89
Victoria	s99, 124	s18, 112, 113	s122			s110
Queensland	s108	s103A, 117	s108	s123		
Western Australia	s43	s43(1)	s43			s43
South Australia	s38	s39	s38			
Tasmania	s36	s38	s36			
Northern Territory	s70(1)	s17(1)(b)	s70(1)(h)			s66, 67(4)(b)
Australian Capital Territory	s93	s140	s93	s102		
Seacare	s89, 91	s83, 104, 147	s90			s92
Commonwealth	s41, 44(1)	s38A, 39	s43			s45, 45A
New Zealand	s30, 31, 33		s47		s36	s31(1)(d)

Obligations and limitations following entry

An inspector's identification will note any limitations that the regulator has placed on their powers, for example only exercising authority in relation to mine safety.

Inspectors' main obligations and limitations are included in the table below.

Table 14—Inspectors Obligations and Limitations Following Entry

	Minimise disturbance	Damage	Commercial confidence	Make report available	Consult with employer
New South Wales		s61	s137		
Victoria				s103	
Queensland		s128			
Western Australia	s43(3)			s45	
South Australia			s55	s38	s38
Tasmania	s36(7)		s43		
Northern Territory			s18		
Australian Capital Territory	s131	s131			
Seacare				s88	
Commonwealth		r33(3)(c)		s53	s42(2)
New Zealand					

In New South Wales, an inspector must also give notice before taking or dismantling a thing (s70) and WorkCover may also be liable for compensation of loss or damage caused by an Inspector (s56).

In the Australian Capital Territory, WorkCover can be liable to compensate for damage (s132).

Maritime safety inspectors must conduct an investigation as directed by the inspectorate (s87).

Evidence

Powers in relation to evidence

Collecting: In general, authorised OHS inspectors may collect, take, test, record, and seize things for evidence if they have reason to suspect an OHS breach.

Disturbance: Inspectors may require that things remain undisturbed, have access to them restricted, or have them moved. In Tasmania (s48) and in New Zealand (s26(1)) an inspector can give permission to interfere with an accident site.

Name: In most jurisdictions, inspectors can require the name and address or proof of identity of someone they suspect of a breach.

Table 15—Inspectors Powers in relation to Evidence

	Collect evidence	Non-disturbance	Require name and address	Forfeiture
New South Wales	s59, 60, 62	s71, 87, 89	s63	s73
Victoria	s99–101, 123, 124	s110	s119	s109
Queensland	s109, 110, 121, 122	s111	s120	s113
Western Australia	s43	s43	s43	
South Australia	s38			s38(4)
Tasmania	s36			
Northern Territory	s70(1)(g)	s66	s70(1)(h)	
Australian Capital Territory	s93, 100, 104, 110–112	s113	s103	s121
Seacare	s87, 89, 91	s92		
Commonwealth	s41, 44	s45, 45A		
New Zealand	s31, 33, 36	s31(1)(d)	s56D	

Table 16—Inspectors Obligations and Limitations Regarding Evidence

	Intention to test	Receipts	Access to evidence	Return things	Provide findings
New South Wales		s72	s62, 75	s74	
Victoria	s101, 119			s108	
Queensland		s112	s115	s115, 122(7)	
Western Australia			s45		s46
South Australia		s38(5)			s38
Tasmania		s36(3)			
Northern Territory		s70(3)			
Australian Capital Territory	s113, 125	s115	s114	s117	
Seacare	s91	s91		s91, 103	s88, 91
Commonwealth	s44	s44		s44(4)(b)	s44(5)
New Zealand	s33(2)	s33(2)		s33(2)	

In a number of jurisdictions, inspectors must advise a person of their reasons for asking questions, or warn them about not providing requested information .

Inspectors must advise that they are taking samples or other types of evidence. Inspectors must give access to, and return things taken. In all but Victoria, the legislation specifically states that they must give receipts for things taken.

In New South Wales inspectors must give notice before taking or dismantling plant, substances or other things (s70).

In Victoria (s155) and South Australia (s38(3)), a person is not required to give information protected by legal professional privilege or that is relevant to already commenced proceedings. In South Australia, an inspector also can not inspect a business the inspector has a pecuniary interest in unless with the regulator's permission (s38(11)).

In Tasmania an inspector must also disclose any financial interest, (s43).

In the Northern Territory (s70(4)) and Western Australia (s46(1)), if an inspector takes a sample for analysis, they must divide it into three equal portions, giving one to the employer, submitting one for analysis and retaining the third for future comparison. In Victoria the inspector must also provide a sample to the affected HSR (s101(2) and (3)).

In New Zealand, an inspector can not collect and examine information about any person's health status identifying the person, without that person's consent, (s31(5), 33(3)).

Compliance and Enforcement Measures

	Compliance and Enforcement Measures in principal OHS Acts
New South Wales	Part 6, Division 2 and 3 Occupational Health and Safety Act 2000
Victoria	Part 7, Division 5; Part 9, Division 8 Occupational Health and Safety Act 2004
Queensland	Part 9, Division 3 Workplace Health and Safety Act 1995
Western Australia	Part 6, Division 1 and 2 Occupational Safety and Health Act 1984
South Australia	Part 4, Division 4; Part 6 Occupational Health, Safety and Welfare Act 1986
Tasmania	Part 6, 6A Workplace Health and Safety Act 1995
Northern Territory	Part 8 Workplace Health and Safety Act 2007
Australian Capital Territory	Part 5, Division 5.2; Part 7, Division 7.3, 7.4, 7.5, 7.6 and 7.7 Occupational Health and Safety Act 1989
Seacare	Part 3, Division 2; Part 4, Division 3 Occupational Health and Safety (Maritime Industry) Act 1993
Commonwealth	Part 3, Division 1; Part 4, Division 2 Occupational Health and Safety Act 1991
New Zealand	Part 4 Health and Safety in Employment Act 1992

Most OHS Acts provide a range of measures which can be used to achieve compliance with the Act, including advice, warnings, infringement, improvement and prohibition notices, and prosecution. Notices are generally issued to organisations to control risks and rectify failures to ensure health and safety. A failure to comply with a notice is an offence. Improvement, prohibition and infringement notices can only be issued by inspectors. In most jurisdictions, HSRs can issue Provisional Improvement Notices (PINs). Some jurisdictions allow for enforceable undertakings as an alternative to prosecution. Compliance measures can allow regulators to provide advice and assistance to employers, without focusing on punishment.

Every jurisdiction uses improvement and prohibition notices, although Tasmania's Act does not specifically label them as such. Improvement notices point out provisions of the Act that the employer is failing to comply with, and can set out steps that need to be taken in order to be compliant. Prohibition notices are issued for immediate or serious threats to health and safety, and require the cessation of any activities that are creating that risk.

Infringement notices, also known as on-the-spot fines, can be issued by inspectors in most jurisdictions. There are significant differences in when they can be used, for what offences they can be issued and to whom they can be issued. In some instances, the offences are general, such as a failure to comply with a general duty to ensure the health and safety of employees. In other cases, the offences relate to more specific obligations such as a failure to display an improvement or prohibition notice.

New South Wales refers to infringement notices as penalty notices (s108).

In South Australia, infringement notices (expiation notices) can only be issued for a failure to comply with an improvement notice (s.39(4)).

In Queensland and the Australian Capital Territory, infringement notices are administered under separate Acts.

Victoria, Western Australia, Tasmania, Australian Capital Territory, the Commonwealth and Maritime Act all allow HSRs to issue PINs (or a default notice in South Australia). If a HSR believes that a person is contravening a provision of the Act, they can issue the PIN requiring the person or company to remedy the breach. In New Zealand, where there is not agreement on the steps to deal with a hazard, a trained HSR may issue a hazard notice to their employer (s46A).

In New South Wales, inspectors can issue investigation notices (s89) which require the occupier of the premises to stop plant or prevent disturbance of premises to allow an investigation to be carried out. This is similar to Victoria's non-disturbance notices (s110).

In New Zealand, Departmental Medical Practitioners may suspend an employee from work where they are being exposed to a significant hazard by issuing a written notice to the employee and copying to the employer (s37).

In Queensland, infringement notices can be issued by inspectors under the *State Penalties Enforcement Act 1999*.

In the Australian Capital Territory, infringement notices can be issued by inspectors under the *Magistrates Court Act 1930*.

Table 17—Enforcement Measures

	PINs	Improvement notices	Prohibition notices	Infringement/ penalty notices	Enforceable Undertakings
New South Wales		s91	s93	s108	
Victoria	s60	s111	s112	s139	s16, 17
Queensland		s117	s118		s42D
Western Australia	s51AC	s48	s49		
South Australia	s35	s39	s40	s39(4)	
Tasmania	r36(2)	s38	s38	s46A	s55A
Northern Territory		s75, 78	s76, 78	r168C–168K	
Australian Capital Territory	s67	s146	s155		s168-174
Seacare	s52	s98	s93		
Commonwealth	s29	s47	s46		SS2(16)
New Zealand	s46A	s39	s41	s56A–56H	

Legal Proceedings

Regulators may instigate a prosecution for a breach of the OHS Act following the use of other enforcement measures. However, in circumstances where warnings or notices are considered inappropriate, a regulator can prosecute without using any other initial enforcement measures. Regulators' enforcement policies note that they proceed with a prosecution for OHS breaches that have, or could lead to, fatalities or serious injury or illness. Jurisdictions differ as to who can instigate proceedings but it is usually done by an inspector, the regulator, a person with ministerial consent, the minister or the Director of Public Prosecutions. In New South Wales, the secretary of a relevant industrial organisation can initiate legal proceedings where members are concerned with the matter. Depending on the jurisdiction the case can be heard by the local, magistrates, work health, federal or supreme courts, and if found guilty penalties can be imposed on the employer or their company.

Revocation or suspension of licences

All jurisdictions have provision to revoke or suspend licences. This may also be extended to certificates of competency or other proficiency tickets.

Conviction

If convicted of a breach of the legislation, the courts can impose fines or prison sentences on the employer or the corporation. The various pecuniary and prison sentences are outlined below.

Table 18—Maximum Penalties for Individuals and Corporations

This table outlines the maximum penalties in each jurisdiction for any breach of the relevant OHS Act. In most jurisdictions, this maximum penalty is imposed on repeat offenders, and on breaches of the Act that cause serious harm to employees or persons at work.

	Maximum fine for individuals	Maximum fine for corporations	Maximum prison term
New South Wales	\$165 000	\$1 650 000	5 years
Victoria	\$204 156	\$1 020 780	5 years
Queensland	\$150 000	\$750 000	3 years
Western Australia	\$312 500	\$625 000	2 years
South Australia	\$400 000	\$1 200 000	5 years
Tasmania	\$60 000	\$180 000	
Northern Territory	\$275 000	\$1 375 000	5 years
Australian Capital Territory	\$200 000	\$1 000 000	7 years
Seacare	\$110 000	\$110 000	6 months
Commonwealth	\$99 000	\$495 000	6 months
New Zealand	\$500 000	\$500 000	2 years

Pecuniary Penalty

The maximum fine that can be imposed varies widely across jurisdictions. The fines for individuals, often referred to as a 'natural person', range from a maximum of \$60,000 in Tasmania to \$500,000 in the New Zealand. The maximum fines for corporations range from \$180,000 in Tasmania to \$1,650,000 in New South Wales.

Imprisonment

All jurisdictions with the exception of Tasmania can enforce imprisonment as a penalty for either individuals or corporations committing OHS breaches. Similar to fines, the maximum prison term that can be imposed varies across the jurisdictions, with a range from six months imprisonment under the Commonwealth legislation to seven years in the Australian Capital Territory. These terms apply for serious or repeat offenders.

Publish details of conviction

In New South Wales, Western Australia, South Australia and the Australian Capital Territory, the relevant OHS Authority has the power to force an individual or corporation to publish details of a conviction. This penalty may be used in conjunction with other penalties. In New South Wales, the court may order the offender to take specified action to publicise the offence, its consequences, the penalty imposed and any other related matter (s115(a)).

Certification, Licensing and Permits for Activities

There are specific hazardous or high risk activities which are undertaken in workplaces that require appropriate certificates, licenses or permits before they can be carried out.

High risk work

Previously, a National Certification System was used to define high risk activities and the terms of certification, and all Australian jurisdictions (excluding that covered by the Maritime Act) adopted the Certification Standard for high risk activities.

A new National Standard was introduced in April 2006 that applies to high risk work covered by the Certification Standard. The system of licensing persons performing high risk work is called the Licensing System and replaces the Certification System. What was referred to as a 'certificate of competency' is now called a license. This National Standard has been picked up by several jurisdictions.

The following list shows the high risk work requiring licenses uniformly across Australia, with the exception of Seacare. License classes:

- Scaffolding Work
- Rigging Work
- Crane and Hoist Operation
- Forklift Operation
- Pressure Equipment Operation

The table below keeps certification and licensing separate as many of the OHS regulations in Australia retain this separate terminology. The table gives the relevant sections of the OHS regulations that provide the detail for these licenses.

The Commonwealth is not a licensing authority, but recognises certificates and licenses from the states and territories.

Table 19—Certification and Licensing

	Certification
New South Wales	OHS Regulation 2001 Part 9.1
Victoria	
Queensland	Workplace Health and Safety Regulation 1997 Part 3
Western Australia	Mines Safety and Inspection Regulations 1995
South Australia	Occupational Health, Safety and Welfare Regulations 1995 Division 6.4
Tasmania	Workplace Health and Safety Regulations Division 3
Northern Territory	
Australian Capital Territory	Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000
Seacare	
Commonwealth	Occupational Health and Safety (Safety Standards) Regulations 1994 Part 2
New Zealand	Health and Safety in Employment Regulations 1995 Part 3

	Licensing
New South Wales	OHS Regulation 2001 Part 10
Victoria	OHS Regulations 2007 Part 3.6, 6.1
Queensland	
Western Australia	Occupational Health and Safety Regulations 1996—Part 6
South Australia	
Tasmania	
Northern Territory	Work Health (Occupational Health and Safety) Regulations Part 3
Australian Capital Territory	
Seacare	
Commonwealth	
New Zealand	

Most jurisdictions also require certificates, licenses or permits for other activities.

Certificates for other activities

Table 20—Certification

	Certification
New South Wales	<ul style="list-style-type: none"> ■ general construction ■ application of pesticides and fumigants
Victoria	<ul style="list-style-type: none"> ■ general construction ■ load shifting ■ mine winder activities ■ concrete placing boom operation
Queensland	<ul style="list-style-type: none"> ■ bridge and gantry crane ■ dozer ■ excavator with an engine capacity of more than 2L ■ front end loader with an engine capacity of more than 2L ■ front end loader or backhoe with an engine capacity of more than 2L ■ grader ■ road roller with an engine capacity of more than 2L ■ skid steer loader with an engine capacity of more than 2L ■ scraper ■ asbestos removal ■ demolition work
Western Australia	<ul style="list-style-type: none"> ■ construction safety awareness training
South Australia	<ul style="list-style-type: none"> ■ blasting ■ occupational first aid ■ logging ■ competency certificates
Tasmania	<ul style="list-style-type: none"> ■ specified activities in forestry ■ shot firing ■ gas fitting (natural gas) ■ mine winder activities
Northern Territory	<ul style="list-style-type: none"> ■ asbestos removal
Australian Capital Territory	<ul style="list-style-type: none"> ■ load shifting
Seacare	
Commonwealth	
New Zealand	<ul style="list-style-type: none"> ■ asbestos removal ■ powder-actuated tool operator ■ diving ■ quarry manager ■ tunnel manager ■ mine manager ■ mine surveyor ■ coal mine interviewer ■ coal mine deputy ■ winding engine driver

Licences for other activities

Table 21—Licensing

	Licensing
New South Wales	<ul style="list-style-type: none"> ■ asbestos removal ■ amusement devices ■ explosives fireworks pyrotechnics ■ Security Sensitive Ammonium Nitrate (SSAN) demolition
Victoria	<ul style="list-style-type: none"> ■ asbestos removal ■ explosives fireworks ■ high consequence dangerous goods ■ dangerous goods ■ transporting dangerous goods by road ■ hazardous substances ■ major hazard facilities ■ lead
Queensland	
Western Australia	<ul style="list-style-type: none"> ■ asbestos removal ■ amusement devices ■ demolition work ■ dangerous goods, including explosives
South Australia	<ul style="list-style-type: none"> ■ asbestos removal ■ amusement devices ■ manufacture and storage of explosives ■ Security Sensitive Ammonium Nitrate (SSAN) storage and transport of dangerous goods/substances ■ blasting ■ assessor registration ■ sale of motor spirit
Tasmania	<ul style="list-style-type: none"> ■ asbestos removal ■ amusement devices ■ dangerous goods, including explosives, fireworks and LPG ■ assessing for competency ■ inspecting plant ■ electrical
Northern Territory	<ul style="list-style-type: none"> ■ asbestos removal ■ Security Sensitive Ammonium Nitrate (SSAN)
Australian Capital Territory	<ul style="list-style-type: none"> ■ asbestos removal ■ dangerous substances (explosives, fireworks) ■ Security Sensitive Ammonium Nitrate (SSAN) transporting dangerous goods ■ major hazard facilities ■ assessors of competency

Table 21—Licensing (continued)

	Licensing
Seacare	
Commonwealth	<ul style="list-style-type: none"> major hazard facilities
New Zealand	<ul style="list-style-type: none"> amusement devices pressure equipment cranes passenger ropeways pipelines and petroleum installations activities under Hazardous Substances and New Organisms Act

Permits

Table 22—Permits

	Permits
New South Wales	<ul style="list-style-type: none"> asbestos removal demolition gas fitting transporting or storing carcinogenic substances
Victoria	<ul style="list-style-type: none"> entry to confined spaces to purchase blasting explosives
Queensland	
Western Australia	
South Australia	<ul style="list-style-type: none"> asbestos removal demolition by explosive or mechanical means installation of flammable liquid tank (LPG)
Tasmania	<ul style="list-style-type: none"> asbestos removal notification fireworks display
Northern Territory	<ul style="list-style-type: none"> asbestos removal notification demolition gas fitting
Australian Capital Territory	<ul style="list-style-type: none"> blasting fireworks display shotfirer's permit
Seacare	
Commonwealth	
New Zealand	<ul style="list-style-type: none"> various approved handler and test certificates for the use of hazardous substances (HSNO Act) extraction of coal or minerals petroleum well drilling pipeline operation amusement devices notify logging, construction, asbestos work

Recent Developments

Victoria

Stensholt Review

When the Victorian Occupational Health and Safety Act 2004 (the Act) was introduced, the Government committed to a review of the Act's administration within 12 months of all provisions coming into operation.

In August 2007 the Minister for Finance, WorkCover and the Transport Accident Commission appointed Mr Bob Stensholt MP to conduct the review, with the support of a Victorian WorkCover Authority (VWA) Secretariat. Mr Stensholt completed his review and presented his report to Minister Holding in December 2007. The Government released its response to the review recommendations on 17 June 2008.

The review involved extensive consultation with trade unions, employer associations and other Victorian organisations and found overwhelming agreement that the new laws were 'essentially sound' and 'working as intended'. The review also found that stakeholders generally view the VWA as a more constructive and transparent regulator than previously.

Mr Stensholt's report contained 36 recommendations, the majority of which are supported by the Victorian Government in their entirety. A significant number of these recommendations relate to operational matters and propose changes to processes, guidance and support for workplace parties.

Queensland

Review of *Workplace Health and Safety Regulation 1997* and the removal of the rural exemption

The *Workplace Health and Safety Regulation 1997* (1997 Regulation) expires on 1 September 2008 and will be replaced with the *Workplace Health and Safety Regulation 2008*.

A Regulatory Impact Statement (RIS) was released on 23 November 2007 outlining proposals for the development of the 2008 Regulation. The RIS was confined to the following three parts of the regulation which have not been reviewed since enactment of the Regulation in 1997:

- Part 4—workplace health and safety officers;
- Part 7—reporting and recording of injuries, illnesses and dangerous events; and
- Part 12A—conducting recreational snorkelling.

Public comment closed on 29 February 2008. Twenty-six submissions were received, the majority of which supported the proposal to substantially remake the 1997 Regulation without change.

The *Workplace Health and Safety Regulation 2008* was approved by Cabinet on 18 August 2008, made by Governor in Council on 21 August 2008 and commenced on 1 September 2008. Other than progressively removing the rural industry exemption over the next two years which was subject to a separate RIS, it contains no significant policy changes. The 2008 Regulation will, therefore, not increase the regulatory burden on Queensland businesses. This is as a result of the new provisions continuing the requirements, obligations and duties that existed under the 1997 Regulation. Accordingly, with respect to business and the community generally, the cost can be described as neutral. For industry and the inspectorate, the main change will be adjusting to new numbering of provisions in the 2008 Regulation.

A separate RIS proposing the removal of remaining exemptions for the rural industry from certain parts of the 1997 Regulation (s.229 of the 1997 Regulation) was released on 9 November 2007. Rural industry exemptions have been removed progressively since 1990 in accordance with an agreement between rural industry peak bodies and the Government. Remaining exemptions which are proposed to be removed relate to compliance by the rural industry with mobile elevating work platforms with an elevation of 6m or less; high risk work and earthmoving and particular crane operation; demolition work; workplace health and safety officers; hazardous substances; lead; confined spaces; excavations and atmospheric contaminants.

The public comment period also closed on 29 February 2008 with twenty-three responses received. While support from a number of rural stakeholders was initially qualified in terms of the timing of the removal of the exemption, outstanding issues, particularly in relation to phase-in periods, were resolved with key rural stakeholder at a workshop in January 2008 hosted by the Queensland Farmers Federation.

Exemptions which will be removed over the next two years relating to compliance by the rural industry with registration of mobile elevating work platforms with an elevation of 6m or less; operators of certain types of plant and machinery (but not in relation to earthmoving or particular crane occupations); demolition work; workplace health and safety officers; hazardous substances; lead; confined spaces; excavations and atmospheric contaminants.

A two year phase in period will enable the rural industry to obtain appropriate training, education, certification and licensing where required. The department will provide funding To FarmSafe Qld (to be administered through the peak rural industry bodies) to develop and disseminate appropriate education programs and material to rural operators.

During this time, the department will also work with rural industry bodies to alleviate concerns regarding the application of confined space regulations to wells, the development of an appropriate rural machinery design standard (including amendments to the Rural Plant Code of Practice), the development of a rural specific workplace health and safety officer course and make appropriate amendments to the Rural Chemicals Code of Practice.

Occupational licensing review and legislative amendments

- (i) *Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2007* strengthened the governance arrangements surrounding occupational licensing by establishing a Licensing Review Committee, with employer, employee and community membership, to decide and review appropriate disciplinary action against licence holders. In addition, the Bill addressed limitations in relation to the sharing of occupational health and safety information between jurisdictions.
- (ii) *Workplace Health and Safety Amendment Regulation (No.1) 2008* introduced requirements regarding the approval of occupational licences to persons 18 years or over as per the licence eligibility requirements of the *National Standard for Licensing Persons Performing High Risk Work*. In addition, the regulation made a number of minor and technical amendments to ensure Queensland adheres to its commitment to national harmonisation of occupational licensing requirements. These amendments:
 - respond to issues identified from the transition of training and assessment to the VET sector;
 - finalise the implementation of the renewable and photographic licences;
 - facilitate the adoption of the national units of competency; and
 - clarify particular licensing provisions by making minor legislative corrections.

WHS Undertakings by Government departments

On 17 September 2007, the Queensland Government agreed to implement an administrative system of censure for government departments that commit serious breaches of the Act. The new administrative system involves the process of seeking agreement from the Director-General of the 'offending' department to enter into a written undertaking with the Director-General of the Department of Employment and Industrial Relations. These written undertakings are to be modelled on the workplace health and safety enforceable undertakings that are negotiated with non-government organisations under the Part 5 of the WHS Act.

Review of the Workplace Health and Safety Enforcement Framework

In September 2007, Mr Robin Stewart-Crompton conducted a review into the current *Workplace Health and Safety Enforcement Framework* to ensure the Framework remains relevant and continues to provide the necessary deterrence to breaches of Queensland's safety laws. The review was supported by a tripartite stakeholder reference group consisting of key industry stakeholders. The review made 50 recommendations with some suggesting legislative amendments and improvements to administration of health and safety and other issues for further consideration. The recommendations, most of which have been approved by the Queensland Government, will be implemented in the second half of 2008.

Drug and alcohol review

In mid 2007, the Minister for Transport, Trade, Employment and Industrial Relations requested WHSQ to conduct a review into alcohol and drug testing regimes in Queensland workplaces. The aim of the review was to develop a consistent whole-of-government position in relation to workplace alcohol and drug testing regimes. Terms of Reference (TOR) for the review were endorsed by the Workplace Health and Safety Board and, in addition, the Board nominated a sub-committee to act as a steering group for the review. A discussion paper was prepared in accordance with the TOR to aid the reference group in this review. A report was prepared summarising the results of the review and making recommendations. The report is currently under consideration.

Western Australia

On 1 October 2007, regulations implementing the National Standard for Licensing Persons Performing High Risk Work (the licensing standard) replaced the National Certificates of Competency (certificates) and any certificates which may have been issued by WorkSafe prior to 1994. The new licensing regulations apply to scaffolding, dogging and rigging work and the operation of cranes, hoists, forklifts and pressure equipment. Under the licensing standard, forklift operators in Western Australia are also required to hold a high risk work license, whereas certificates for forklift operation were previously issued on a non-compulsory basis. The intention of these regulations is to facilitate national consistency for high risk work and ensure the quality and integrity of training and assessment throughout Australia.

New regulations relating to the National Standard for Construction Work came into operation for the civil/commercial construction sector on 3 January 2008 (and commenced for the residential construction sector on 1 October 2008). The new regulations introduce requirements covering:

- The provision of information
- Consultation, and
- Planning and documentation for construction projects.

These changes include the preparation of safe work method statements for high risk construction work and the preparation of occupational safety and health management plans for all construction sites where five or more people are working, or are likely to be working, at the same time.

At the end of 2006, Mr Richard Hooker, an independent barrister, reported on a statutory review of the *Occupational Safety and Health Act 1984*. A review of this Act is required every five years. Issues considered as part of this review included clarifications, enhancements to the provisions relating to consultation and referral of matters to the Occupational Safety and Health Tribunal. The Commission for Occupational Safety and Health reported to the former Minister for Employment Protection on its consideration of the recommendations from Mr Hooker's final report on the statutory review.

South Australia

Name of Legislation under Review	Status of the Review	Outcome/Next Phase
<i>Occupational Health, Safety and Welfare (Penalties) Amendment Act 2007</i>	<p>Bill was assented to on 29 November 2007. Part 1, Section 2 of the Act provided that it would commence on proclamation. Three key changes:</p> <ul style="list-style-type: none"> ■ <i>Trebled the maximum fines applicable to corporations and public sector administrative units</i> ■ <i>Introduced a new offence of reckless endangerment section 59</i> ■ <i>Introduced provisions clarifying corporate liability and new provision related to the liability of senior officers.</i> 	Act was proclaimed to come into operation on 1 January 2008
<i>Review of Regulations under the Occupational Health, Safety and Welfare Regulations 1995 [Current project]</i>	<p><i>Review of Parts 1, 2 and 6 completed. Final Report to Minister 31 July 2008.</i></p> <p><i>Review of Part 5 Hazardous Work commenced May 2008.</i></p> <p><i>Review of Parts 3& 4 scheduled to commence late 2008–2009 (determined by national activity).</i></p>	<i>Regulation amendments to be developed late 2008.</i>
<i>Rail Safety Act 2007</i>	<i>Bill passed Parliament.</i>	<i>Act not yet commenced</i>
<i>Dangerous Substances and Major Hazard Facilities Bill 2006 and Regulations [Current project]</i>	<i>Further consultation with key stakeholders. Discussion paper to be released end 2008.</i> <i>Regulation amendments with Parliamentary Counsel.</i>	<i>Bill to be reintroduced into Parliament in late 2008.</i>
<i>Review of Section 55A (OHSW Act 1986)—Inappropriate behaviour towards an employee [Current project]</i>	<i>Section 55A introduced into the OHSW Act in August 2005. Terms of Reference and Issues Paper released for comment to key stakeholders. Review is limited to the operation and effectiveness of the provision.</i>	<i>Submissions deadline 17 July 2008. Report to Minister for Industrial Relations August 2008.</i>

Tasmania

Workplace Health and Safety Act 1995

Regulations to introduce infringement notices were made in September 2006 but not implemented until July 07 to allow time to train inspectors.

Implementation of High Risk Work Licensing

The *Workplace Health and Safety Regulations 1998* have been amended to reflect the new national photo licensing arrangements for people performing high risk work. Some slippage has occurred with full implementation of the national training and assessment regime. Implementation is now expected towards the end of 2008 / early 2009. It is anticipated this will align with the release of the new national assessment instruments.

A communication awareness campaign was run to inform on the new licensing arrangements. Further communication strategies are currently being considered.

Security-Sensitive Dangerous Substances Act 2008

In June 2005 Parliament passed the *Security-Sensitive Dangerous Substances Act 2005* (the Act) commencing on 21 November 2005. This is part of the national counter-terrorism strategy, authorised by the Council of Australian Governments (COAG).

Workplace Standards Tasmania has established a unit (SSDS Unit) to administer the Act. The unit regularly consults with industry to ensure progression towards compliance with the Act.

A Security-Sensitive Dangerous Substances Amendment Bill 2008 placing certain explosives (typically blasting explosives) onto the schedule of substances deemed to be security sensitive was passed by Parliament in June 2008.

Northern Territory

Review of Work Health Act

A review was conducted into the *Work Health Act*, with the objective of adopting contemporary practice in OHS regulation for the Northern Territory. Two new pieces of legislation were developed in the *Workplace Health and Safety Act* and the *Workers Rehabilitation and Compensation Act*. These Acts were approved for commencement on 1 July 2008. Occupational health and safety, and workers' compensation and rehabilitation functions are separated into the two new Acts.

The new legislation maintains the Work Health Authority with NT WorkSafe as the administrative arm of the Authority.

Workplace Health and Safety Act 2007

The following are the main reforms of the new Act:

- Strengthening of consultative arrangements by providing for direct worker input into better managing health and safety performance in workplaces, by the introduction and training of Health and Safety Representatives for workplaces;
- the provision of training and right-of-entry for occupational health and safety related purposes for authorised union representatives;
- identification of more specific powers for NT WorkSafe Workplace Safety Officers, including significant new fines and penalties for regulatory breaches;
- provision for new industry advisory arrangements to the Minister in the form of a ten member Workplace Health and Safety Advisory Council;
- coordination of Occupational Health and Safety regulators with the inclusion of mine safety responsibilities under the new Act;
- inclusion of responsibility for construction related activity for petroleum processing facilities prior to the production/operational phases; and regulation of Dangerous Goods across industry throughout the Northern Territory.

Workers Rehabilitation and Compensation Act 2007

The *Workers Rehabilitation and Compensation Act 2007* mirrors the existing compensation and rehabilitation provisions of the *Work Health Act 1986*.

It is envisaged that this piece of legislation will be reviewed in late 2008/09.

Australian Capital Territory

Office of Regulatory Services

As part of Budget 2006/07, the ACT government consolidated various ACT regulatory agencies into a single, coordinated Office of Regulatory Services (ORS) to achieve economies of scale and remove unnecessary duplication of regulatory costs across government. The ORS within the Department of Justice and Community Safety, brings together a range of regulatory activities previously undertaken within a number of Government departments and includes regulatory activities related to occupational health and safety, scaffolding and lifts, machinery and boiler pressure vessels and dangerous substances.

Within ORS the independent role of the OH&S Commissioner has been retained. Under section 27 of the OH&S Act, the OH&S Commissioner is required to promote an understanding, acceptance of and compliance with the OH&S Act and associated laws, undertake research and development of educational programs to promote occupational health and safety principles in workplaces, and advise the Minister on any proposed or existing ACT legislation which may be inconsistent with the OH&S Act.

Work Safety Bill

On 6 July 2008 the ACT Minister for Industrial Relations released the exposure draft the Work Safety Bill 2008 (the WSB). It is proposed that the WSB will repeal and replace the *Occupational Health and Safety Act 1989* (the OHS Act).

All Governments have committed to work cooperatively to harmonise OHS laws across Australia. The ACT Government is strongly committed to this work. However, the OHS Act was enacted in 1989 and is becoming increasingly outdated. The exposure draft is intended to inform and complement the national work. It is proposed as an interim measure to see the Territory better placed to implement the model national legislation planned for implementation in 2012.

The following is an overview of the key changes proposed in the exposure draft.

Safety duties, scope and coverage

- **Coverage:** The exposure draft proposes extended scope and coverage for the legislation to better capture contemporary work and employment arrangements that go beyond the bounds of the traditional employment relationship. This includes coverage of all people who have a worker-like relationship, by replacing the outdated concept of 'employee' with a broad definition of 'worker' which includes employees, independent contractors, outworkers, apprentices, trainees and volunteers who work in employment-like settings.
- **Expanded safety duties:** The safety duties are extended and clarified to ensure responsibility attaches to those who control the generation of risks and who are in a position to eliminate or minimise the risks. This will ensure that duty holders are only responsible for matters over which they have control, and that duty holders only owe a duty to the extent of that control. The intended effect is that there will be no gaps in the coverage of safety duties but that responsibility is not assigned to anybody in a way that is disproportionate to their actual level of control.

The principal duty holder is a 'person conducting a business or undertaking' this includes employers, principals, head contractors and franchisees. Additional upstream duty holders such as building designers, designers, manufactures, importers and suppliers of products used in the course of work are also covered.

- **Risk management principles and systematic safety management requirements:** Systematic risk management principles have been integrated into the exposure draft. These principles require duty holders to eliminate or reduce risk as far as reasonably practicable, and to afford the highest level of protection that is appropriate. Priority is also afforded to the elimination of hazards and control of risk at the source through safe design of workplaces, systems and items used for work.

Worker Consultation

- The exposure draft places a general duty on all employers (broadly defined) to consult all workers on matters that may affect their health and safety—the duty to consult is based on a recognition and growing body of international evidence which demonstrates that worker input and participation improves decision-making about work safety matters. The duty to consult is proposed to apply to all employers regardless of the number of workers they have.
- Legislative guidance is provided on what meaningful consultation is; when employers should consult; and how employers can consult.
- The exposure draft provides choice and flexibility on how consultation can occur to enable the employer and their workers to adopt the consultative arrangement which they believe will best ensure effective and meaningful consultation without being too onerous.
- Within the flexible framework, the exposure draft allows for use of the traditional workplace consultative tools such as:
 - a. health and safety committees (HSC): where there is a desire for a representative group to come together in a cooperative way to improve the employer's systems for managing work safety
 - b. health and safety representatives (HSR): where there would be a benefit from having an individual worker represent a group of workers

The exposure draft also allows organisations to instead adopt any other arrangements where the employer and the workers agree on a consultative framework.

- Information will be provided to industry, through codes of practice or other guidance material, on:
 - their roles and obligations under the legislation
 - tools to assist industry implement and maintain meaningful consultation
 - a generic (optional) consultation policy for small business
 - a generic (optional) consultation policy for medium/large business
 - the benefits of consultation and case studies highlighting how various employers undertake consultation.

Other matters

- *Union Right to Prosecute*: An express right of private prosecutions for unions along the lines of the common law position is proposed that: enables a prosecution to be commenced with the written consent of the secretary of a registered union; extends the authority to prosecute safety duty offences in the Bill (with the ability to proscribe other offences—this will not include the industrial manslaughter offences in the *Crimes Act 1900*); and reserves the right of the Director of Public Prosecutions to intervene and take over or discontinue a private prosecution at any time. A broad discretion on the courts is also proposed to make any order in relation to the payment of penalty.
- *Enforcement and Compliance—General*: Provisions have been updated to ensure application to contemporary work practices and arrangements. The exposure draft enables the production of documents or information held at locations other than those on which an alleged offence occurred (necessary in multi-site work arrangements such as those in the construction industry and franchisor and franchisee arrangements).
- *Enforcement and Compliance—the Public Sector*: The exposure draft strengthens the compliance focus on rectifying the situation quickly, then to ‘name and shame’ those agencies who fail to comply. This ensures application of all enforcement and compliance measures (such as prohibition notices and improvement notices). The exposure draft also toughens reporting requirements and introduces appropriate review mechanisms.
- *Information Sharing*: The exposure draft facilitates the reasonable exchange of information obtained by inspectors with other law enforcement agencies for the purpose of ensuring worker or public safety.
- *Notification of Events/ Preservation of Site*: Notification of accidents and events requirements are streamlined and provision included to ensure the preservation of sites following serious events or accidents.
- *Review Mechanism*: The specialist Review Authority (which has never been convened) is replaced with a two tiered review mechanism, with the chief executive or minister as the initial reviewer and the Civil and Administrative Tribunal fulfilling the function of the external reviewer (the Civil and Administrative Tribunal will replace the Administrative Appeals Tribunal in 2009).
- *Codes of Practice*: Codes of practice are given formal evidentiary status. This will enable courts to consider compliance with a code in order to establish whether a safety duty has been met.
- *Right to Refuse Dangerous Work*: Workers are granted a specific right to refuse work if they reasonably believe that there is a significant risk to their health or safety.

- **Corporate Officer Liability:** Directors and senior officers of corporations who breach the legislation will be liable for their actions. For liability to attach to individual officers the prosecution must prove that the officer was reckless as to whether the breach would occur; was in a position to influence the conduct of the corporation; and failed to take reasonable steps to influence the conduct of the corporation.
- **Work Safety Council and Work Safety Commissioner:** The current provisions are largely reproduced with modifications necessary to address the revised scope and structure of the exposure draft, and to changes references to 'OHS' to 'work safety'.

Commonwealth

- **Occupational Health and Safety Code 2008**

The Occupational Health and Safety Code of Practice 2008 (the OHS Code 2008) came into effect on 12 June 2008. It replaces the previous 27 codes of practice.

The OHS Code 2008 has 25 parts, comprising the following:

- Sixteen parts have replaced previous codes that have been reviewed and redrafted;
- Five parts are new codes that cover new hazards resulting from the expanded Commonwealth OHS jurisdiction; and
- Four parts are reserved for codes that will be implemented soon.

- **Safety Standards Regulations Review**

Comcare has commenced a review of the following in the Safety Standards Regulations:

- Asbestos in Situ
- Asbestos Removal
- Licensing High Risk Work
- Lifts
- Manual Handling

- **Comcare Scheme Review**

On 11 December 2007 the Minister for Employment and Workplace Relations announced a moratorium on new applications from private sector corporations seeking to join the Comcare scheme. The Minister also announced a review of the scheme to ensure that Comcare is a suitable OHS and worker' compensation system for self insurers and their employees.

- ***The OHS (Safety Arrangements) Amendment Regulations 2007***

As a result of this amendment, which came into force in May 2007, all parts of the OHS Act now apply to employees working in circumstances covered by sections 14(1)(c) & 15 of the Act.

- ***The OHS(CE) Amendment Act 2006***

These amendments, which came into force in March 2007, brought in substantial changes regarding workplace OHS consultative arrangements, providing employees with a more direct role in consultative arrangements in the workplace. It also introduced a requirement for the development of Health and Safety Management Arrangements (HSMAs) in consultation with employees.

- ***The OHS(CE) & SRC Amendment Act 2006***

This amendment, which came into force in March 2007, extended coverage of the OHS Act to include all self-insurers under the SRC Act. A further change is that State and Territory OHS related legislation no longer applies to employers and employees covered by the OHS Act.

- ***OHS(CE) (National Standards) Amendment Regulations 2007 (No.1)&(No.2)***

These amendments, which came into force in March 2007, added new regulations including Major Hazard Facilities, Electricity, Driver Fatigue, Construction Work, Explosives (part of the Storing and Handling of Dangerous Goods Regs), and Falls from 2 metres or more.

New Zealand

New Zealand is currently undertaking reviews of:

- regulations concerning underground mining
- regulations containing age restrictions and access to places and types of work for young workers
- the definition of 'serious harm' contained in Schedule 1 of the Act
- the coverage of compressed gases under the HSE (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1998
- transfer of the regulation of electrical industry worker health and safety to the HSE Act regulatory regime

Major Promotional Campaigns

New South Wales

Falls from heights in the Transport Industry

In November 2003, the Heads of Workplace Safety Authorities (HWSA) agreed that it would be beneficial to develop a number of national compliance programs focused on 'Falls From Heights in the Heavy Vehicle Sector'. The cornerstone of the program was to work with industry to achieve improved safety outcomes. NSW was the nominated lead agency in this campaign.

A key outcome of the program is that the level of industry awareness of the risk of injury from falls from heights as an occupational hazard significantly increased as a result of the program. Additionally, the campaign has improved jurisdictional understanding and knowledge of industry specific issues and thereby improved their ability to assist industry apply OHS solutions. It is anticipated that the success of the program and actions taken by stakeholders, will decrease the likelihood of falls from heights from truck injuries and the subsequent cost to the community.

The true extent of the impact of the program cannot be definitively shown. However, there are a number of indicators that reflect positive performance. For example, in the car carrier sector at least 90% of all new vehicles and 40% of all used vehicles are now being transported by vehicles fitted with falls prevention systems or by containers in which the hazard has been eliminated. These figures were taken from the four major carriers only and do not include vehicles operated by the dozens of smaller operators visited.

The overall success of the program may not be fully known until falls injury statistics are compared over the coming years.

Silo Safety Improvement Program

The Safer Silos Program focused industry attention on the hazard areas of falls from heights and working in confined spaces in the rural sector. The key elements of this program included providing a range of assistance measures including information and advice.

This included the development of two industry Codes of Practice:

The Design of Bulk Solid Containers Including Silos, Field Bins and Chaser Bins; and The Safe Use of Bulk Solid Containers and Flatbed Storage Including Silos, Field Bins and Chaser Bins.

These Codes provide practical guidance for designers, manufacturers, importers and suppliers on safety aspects of the design of all types of bulk solids storage containers and are intended to help prevent injuries in the use of bulk storage containers and flatbed storage.

Another key element of this program was the establishment of a rebate program to improve the operational safety of silos and field bins in the NSW rural sector. A compliance element is also proposed with a focus on an audit process with silo designers, manufacturers, importers and retailers but may also involve a process of on-farm verification on a minimum sample basis. This program has been promoted through the WorkCover website, rural field days, Industry seminars and workshops and via Industry Associations.

Farm Safety Solutions Campaign

The Farm Safety Solutions Campaign is a component of the WorkCover's *Safer Farms* program. The focus of the campaign is on promotion, awareness raising and demonstration of the real safety risks associated with certain farming equipment, environments and activities. This has been achieved by demonstrating practical solutions to the identified risks at the Agricultural and Machinery Field Days and showcasing good practice, which attendees can visualise, touch and operate real equipment that is safe and talk to experts about various farm safety issues.

The Farm Safety Workshops Program further extends and builds on WorkCover's involvement with local farming communities and groups by providing them with practical guidance and measures to assist compliance.

Machinery and Equipment Safety—an Introduction

NSW is leading the Heads of Workplace Safety Authorities (HWSA) initiated campaign in 2007/08, focused on improving the capability of employers in the manufacturing industry to systematically identify and manage risks associated with operating machinery. As part of this campaign a harmonized guidance was developed to provide employers in the manufacturing sector with nationally consistent information focussed on reducing complexities and providing practical information on effective guarding of machinery and equipment. The guidance is practical in nature and outlines what compliance looks like rather than outlining what the legislation says.

Harmonisation of Guidance Material Between NSW and Victoria

New South Wales has been working in conjunction with Victoria to produce harmonised documents in the Metal Fabrication and Wool products industries.

A Guide to Safety in the Metal Fabrication Industry

This publication was developed by WorkSafe Victoria with the assistance of WorkCover NSW with a view to providing practical and consistent guidance to prevent injuries in the metal fabrication industry across the two jurisdictions. The guide identifies some of the common tasks undertaken in the metal fabrication industry that are hazardous and adopts a 'traffic-light' (red, amber & green) format to help employers identify and assess high-risk activities in their workplace and implement safer work practices. To maintain consistency across jurisdictions the focus of the guidance is on providing practical guidance with minimum reference to the legislation.

A Guide to Safety in the Wood Products Industry

The guidance was developed by WorkSafe Victoria and adapted by WorkCover NSW to provide practical and consistent guidance to prevent injuries in the wood products manufacturing industry. The guide provides examples of hazardous tasks in the wood products manufacturing industry that can result in injuries. Many of the risk controls detailed in the guidance have already been implemented in the industry.

Long Distance Road Freight Fatigue Management Verification Program

This program consisted of a number of strategies to actively manage the risks associated with the long distance road transport of freight. The program coincided with the introduction of the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005*. Program strategies included industry consultation, the provision of advice and information (both in print and through a series of seminars across the state) and verification visits aimed at employers, head carriers and consignors/consignees. While the program of work is currently under evaluation, the culmination of this program has been the development and soon to be released *Driver Fatigue Management Plan* verification tool and brochure. The verification tool will allow those with responsibilities under the legislation to assess whether their current systems comply with NSW OHS legislation while the brochure is aimed at providing a snapshot of what a driver fatigue management plan should address.

Office of Industrial Relations/WorkCover Transport Mutual Responsibility Program

This program is a good example of two government bodies working together to affect positive change in the transport industry. The joint advisory campaign consisted of approximately 300 visits throughout NSW to employers and head carriers by WorkCover and Office of Industrial Relations Inspectors. During these visits, Inspectors provided advice and information to employers/head carriers to assist them meet their requirements under NSW OHS legislation and NSW state industrial awards in relation to the long distance freight of goods by road. The final visits are underway with evaluation of the program to commence soon after although anecdotal evidence already suggests that the main objective—to raise industry awareness and capability to minimise the risks associated with driver fatigue—has been achieved.

Mentor Program

The Mentor Program is a partnership between industry and WorkCover NSW to help small businesses improve their OHS, workers compensation and injury management practices. The program provides opportunities for large business to share their professional skills, experiences, safety systems and lessons learned.

The program is approximately eight months in duration and involves a combination of workshops, visits to small businesses and discussions with designated OHS officers from large construction and manufacturing companies, the program has also expanded into the rural, retail and consumer service sectors in 2008. Technical and administrative support is available from WorkCover NSW. Promotion of the program is conducted via the Small Business website, field staff, direct mail and information sessions.

Advisory Services Awareness Campaign

WorkCover NSW is committed to an approach of applying an appropriate mix of information, assistance, education, advice, incentives and deterrents. As part of this approach an Advisory Services Awareness Campaign for WorkCover's advisory services will take place in 2008/09. The campaign aims to raise business, and in particular small business awareness of workplace safety advisory services offered by WorkCover throughout New South Wales and attract service engagement from small business. The campaign will include advertising and promotional activity as well as Internet and public relations components. The 08/09 campaign is stage two of a three stage campaign and follows the successful 07/08 awareness campaign where small business awareness of WorkCover's business advisory services rose from 11% to 55% and engagement of those services rose 418% as a result of campaign activity.

Workshop and Advisory Visit Program

The purpose of the workshop program is to provide relevant, practical advice to small and medium sized business from all industries. This is achieved by Business Advisory Officers & Inspectors located across the state running free workshops. Since 2005 WorkCover has run approx. 850 workshops across the state with approximately 13520 attendees. These workshops cover numerous topic areas in workplace safety and workers compensation and injury management.

The Advisory Visit program aims to provide practical Occupational Health and Safety, Workers Compensation and Injury Management advice and assistance to Small Businesses at their workplace or other suitable location. Through this assistance small businesses build capacity and capability to manage workplace health and safety and workers compensation responsibilities and through this contribute to national injury and illness reduction targets. The project has two aspects—direct assistance to small businesses through advisory visits generated by requests and the identification of industry sectors and businesses that may benefit from additional assistance and inviting them to be part of the program. More than 870 requests for advisory visits have been received since 2006.

The workshop and advisory visit program are promoted together informing the local target market of workshop and advisory services in their region. By structuring the communications tools to promote both services it allows WorkCover to undertake more cost effective communications activities. These communications tools include direct mail, press and electronic advertising. Other low cost communications activities were created to support the main communications tools such as media releases and online activities. Networking and relationship building between WorkCover staff such as Business Advisory Officers and local small businesses remains vital to the success of the advisory visit service. Networking also helps gain the trust and support of local small businesses and their key influencers.

Serious About Safe Business Pack

The Small Business Safety Pack aims to provide businesses with a practical approach to achieving OHS and IM compliance. Through a simple red–orange–green rating system the pack allows business to self assess their performance against six key criteria and the provides practical tools to help businesses identify what they need to do to make their workplace safer and improve performance. The six key criteria are management commitment, consultation, safe work procedures, training and supervision, reporting safety and workers compensation and return to work.

The approach adopted in the pack has been harmonised and endorsed by South Australia, Queensland, Victoria and the Australian Capital Territory.

Safety Solutions Rebate Program

The Safety Solutions Rebate Program is an incentive program aimed at encouraging small business operators (including sole traders) to identify safety problems and fix them. Employers qualify for the rebate by attending a WorkCover workshop or seminar or receiving a advisory visit. Small businesses are then reimbursed costs up to \$500 (excluding GST), of adopting an effective solution to a safety problem in their workplace.

The rebate is promoted primarily by inspectors and business advisory officers facilitating eligible points of entry for the program, as well as through the direct marketing activities for the workshop and advisory program.

Industry Solutions Program

The Industry Solutions Program provides practical solutions to problematic safety issues in an industry. It recognises the need for assistance in some industry sectors to overcome particular difficulties or challenges to the improvement of their workplace safety.

Solutions to safety issues are developed in partnership with industry and (within a six-month period) released for industry wide implementation. Within 12 months of implementation an evaluation is conducted jointly with industry to determine the effectiveness and practicality of the solutions. If necessary, further refinements, including additional solutions, are included after the evaluation.

Issues successfully addressed to date include: erection of roof trusses, guarding for grain augers, guarding for fence post-drivers, safe erection and dismantling of scaffolding and guarding for wood splitters.

The program aims are:

- To reduce injury and illness by providing practical safety solutions for employers, employees and industry.
- Build awareness, knowledge and skills that will enable employers, employees and others to make their workplaces safe.
- Provide confidence that risk controls will meet relevant health and safety obligations.
- Provide benefits to employers, employees and the community through greater cooperation, safety awareness and the sharing of ideas and information
- Establish forums where practical solutions and advice can be developed.

Cytotoxic Drugs and Related Waste—Risk Management Guide

WorkCover NSW has developed an up-to-date guide on the handling of cytotoxic drugs and related waste in the health industry. This guide substantially revises the 1996 edition to include additional guidance material for the following industries:

- Daycare facilities
- Community nursing
- Homecare nursing
- Veterinary practices

The development of the guide was assisted by extensive consultation with the, pharmacy industry, rural doctors, veterinary industry, NSW Nurses Association, Oncology—NSW, The Department of Health, and The Cancer Council. The guide is due for release in August 2008.

Manual Handling Program

WorkCover NSW aims to achieve a 40 per cent reduction in major manual handling workers compensations claims by 2011/2012. To do this WorkCover has established a five-year Manual Handling Summit Response Program (the Program). The Program has a stakeholder engagement focus and consists of four broad streams of activity:

1. Awareness raising and communications—through activities such as mass communications, online, targeted media and events.
2. Strategic partnerships—to provide leadership in addressing manual handling issues.
3. Targeted interventions—for high risk industries, occupations, tasks and suppliers.
4. Building WorkCover's capability—to assist industry through a consistent approach, improved skills, effective information provision and dissemination of best practice solutions.

Working with employers and workers, WorkCover aims to achieve significant improvements in workplace recognition of manual handling issues, increased knowledge and skill and more effective prevention strategies.

Disability Safety Improvement Program

In 2007 WorkCover's Health and Community Services (HACS) Team finalised the allocation of almost half a million dollars to fund to small and medium-sized disability service providers across NSW to fund staff training and manual handling equipment purchases. The funds were part of the Disability Services Safety Improvement Program (DSSIP) Grants Scheme. The Scheme grew from the Disability Services OHS Project (DSOP). The aim of the project was to develop practical guidance and support to assist the disability sector in delivering positive safety outcomes for its employees.

Service providers applied for funding under two categories:

- The Skills Enhancement Incentive (SEI) offered funding for staff training in manual handling. Successful proposals included both tailored manual handling programs and industry-recognised models.
- The Workplace Improvement Incentive (WII) offered funding for the purchase of equipment to assist in reducing identified manual handling risks. Successful proposals in this category included cutting edge lifting devices, and the latest designs in mobile ramps.

Of the total funding, more than 57 percent was distributed to disability service providers in rural and regional NSW. Indeed, more than half the applications received were from providers outside the Sydney metropolitan area. \$330,000 of the total funding went directly towards staff training, and the remainder of the funds were allocated to assist with the purchases of hoists, lifts and swings. The DSSIP grants scheme was widely advertised on the WorkCover website and through advertisements in both metropolitan and regional newspapers.

Hospital Intervention Project (HIP)

The Hospital Intervention Project (HIP) enhances the service to hospitals as key stakeholders through targeted intervention based on statistical evidence. It also improves communication between WorkCover and those organisations.

Inspectors have been assigned as Hospital Intervention Project Pilot Officers (HIPPO's) to specific medium sized metropolitan hospitals where they develop a history and knowledge of the respective sites and act as a reference point. The inspectors use the incident statistics to work with the hospitals. For example, four of the hospitals selected have significant reports of injuries such as falls on the same level and muscular stress.

Monthly Area Designated Compliance and Advisory Project

To provide enhanced OHS and WCIM services to smaller businesses, within the HACS industry sector, in addition to the normal allocated work, (both reactive complaints and incidents, and the proactive project work), each month a particular hazard or industry / sub-department selected, either based on perceived emerging issues or from researched data, and inspectors visit those employers in their allocated areas to provide advice and check compliance. For example loan sets in hospitals, manual-handling kitchens aged care, laundries nursing homes and hospitals, violence in non-residential services.

Multicultural Project

Project aimed at peak and small multicultural organisations within Community Services Industry to provide advice and assistance with their OHS & WCIM obligations. The project is also providing understanding and possible strategies to extend WorkCover's influence with multicultural employees and the community using current and possibly new networks. To date over 30 organisations have been visited.

Stakeholder Engagement

Industry Partnerships have been set up with:

- NSW Ambulance Service
- NSW Health Dept.
- Disability Services OHS Project
- DADHC
- NSW Nurses Association

The development of Voluntary Partnership Agreements (VPA)

Businesses linked to the Retail Wholesale Consumer & Business Services

The intention of the VPA is to commit WorkCover and signatory parties to working in partnership to significantly improve Occupational Health & Safety (OHS) and Injury Management (IM) performance to the benefit of employees, employers, and the NSW community. To this end the signatories will work together to advance the development of practical and effective approaches to Occupational Health and Safety (OHS) and Injury Management (IM), in the nominated sector or business venture.

Consistent with Nationally agreed targets the agreements will focus on matters to positively reduce workplace fatalities by at least 20% by 30 June 2012 and reduce the incidence of workplace injury by at least 40% by 30 June 2012. WorkCover as part of the process is committed to supporting signatories achieve high standards in OHS and IM.

To facilitate the intent of this partnership WorkCover will;

Provide a key contacts from the relevant Industry Team who will attend meetings, focus groups and discussion forums to help build industry capability to secure appropriate injury and illness prevention and management outcomes. Provide key management contacts to assist with the timely resolution of contentious issues. WorkCover will also meet with the signatories' management on a regular basis to engage in constructive and open discussion on OHS, IM issues. Signatories will provide key contacts to enable appropriate discussion on issues and initiatives arising from the agreement.

Nothing in this agreement will limit the role of WorkCover in the administration of the NSW OHS Act 2000, the Workplace Injury Management and Workers Compensation Act 1987, associated regulations and codes of practice. Work on this front is currently under development with two major employer associations.

Targeted verification & assurance programs focusing on specific hazards and/or licensing & permissioning function

This program is indented to support WorkCover's licensing and certification arrangements and in time will be rolled out on an ongoing basis across various RWCABS sectors.

Phase one will centre on Service stations, and also include a focus on eliminating or minimising hazards or address issues associated with dangerous goods, hazardous plant, manual handling, slips trips and falls, cash handling, traffic management, young & vulnerable workers as well as cultural and linguistically diverse workers. The program will also involve significant stakeholder engagement as well as the development of a practical & meaningful tool intended to help Service Station operators appropriately address these and other issues.

Sun Safety

The purpose of this Program was to devise and implement a targeted intervention program, focused on raising awareness and providing advice to outdoor workers and their employers, in regards to the immediate risks to health from varying illnesses and the long-term risk of skin cancer from over exposure to the sun.

The Program aimed to build the Construction industry's capability by supporting workplaces in developing and implementing sun protection policies that will encompass both the risk of skin cancer and the risk of other heat related illnesses, by providing concise, current and relevant information and assistance to employers and outdoor workers.

Inspectors visited construction sites where they examined activities of those individuals, & employees of companies they encountered. The data resulting from the visits was collated, checked and analysed to be used to support further programs and made available to stakeholders as appropriate.

Owner Builder Project

The project was developed to:

- Establish baseline data on the safety performance of owner builders,
- Identify factors impacting on owner builder performance and as a result develop future strategies to improve the safety performance of owner builders,
- To reinforce and increase owner builder awareness of and compliance with Occupational Health and Safety and Workers Compensation legislation,
- To demonstrate a bi-partisan government approach in conjunction with the OFT and provide them with assistance and support during joint field visits, while owner builder licensing requirements are verified and to provide guidance material, information and assistance to owner builders, contractors and employers in the residential construction sector.

The Inspectors visited construction sites where they examined activities of those individuals, & employees of companies, they encountered. The data resulting from the visits was collated, checked and analysed to be used to support further programs and made available to stakeholders as appropriate. Information from the Office of Fair Trading licence applications was used to identify owner builder sites, with inspectors allocated a specific geographical area to conduct their site inspections.

Electrical Project

The electrical project due to commence in August 2008 is an construction intervention team initiative aimed at increasing sector awareness of the revised code of practice 'Electrical Practices on Construction Sites' and compliance with Occupational Health and Safety and Workers Compensation legislation within the commercial and residential sectors of the Construction Industry. The key objectives of this project are:

- To check compliance and take up by the construction industry of the revised Code of Practice for 'Electrical Practices for Construction Work 2007'.
- To raise the focus and awareness of the Code of Practice for 'Working Near Overhead Power Lines 2006'.
- To increase knowledge of the industry by providing the WorkCover guide 'Working Near Underground Assets 2007' and

Raise awareness of compliance of the requirements for the electrical industry performing in the construction sector.

Victoria

Valuing Safety Campaign

The objective of the valuing safety campaign is to build social pressure so that the Victorian community will only tolerate safe work practices and support businesses that strive to send their employees home safely every day.

The valuing safety campaign consists of three separate advertising campaigns built around the same theme, that workplace health and safety impacts on more than just the workplace. These campaigns are:

- Homecomings
- School play
- What's yours?

The campaigns were run between 2007 and 2008 and utilised television, cinema, radio, billboard and print methods of promotion.

Supervisors Campaign

This campaign came out of research that identified supervisors as a key group within workplaces that can affect safety and culture change.

The objectives of the campaign were to encourage supervisors to champion safety through their own actions, thereby driving a supportive safety culture and make all supervisors question whether they can do more to drive a safety culture.

The campaign was run between October and December 2007 and utilised television, billboards, radio and print methods of promotion.

Safer Work Zones/Towns

Safer Work Zones/Towns aimed to make Melbourne and regional Victoria a safer place to work by focussing attention on a particular metropolitan area or regional town and targeting smaller companies which traditionally have limited exposure to WorkSafe Inspectors. Many of the workplaces in this project are small in size with some having a limited understanding of their OHS requirements. Some of these workplaces may have never received a visit by WorkSafe and this project was a proactive way of visiting these workplaces before injuries occur.

It works by providing information to employers about how they can make their workplaces safe—following up a few weeks later with inspections by WorkSafe inspectors.

During 07/08, 16 campaigns were run in metropolitan Moorabbin, Coburg, Richmond, Clayton, Highpoint, Southland, Northland, Heidelberg, Tullamarine and Boronia and regionally in Stawell, Wodonga, Colac, West Warrnambool, Bendigo and Warragul.

In Melbourne, the campaigns incorporated a highly visible marketing campaign (comprising local SMART Cars publicity, Safer Work Zones branded cars and promotional trailers) and hand delivery of information packs, followed by workplace inspections. In Regional Victoria, information packs were delivered by post to targeted workplaces, followed by breakfast information sessions and workplace inspections four weeks later.

Enforcement

The most recent ad campaign by WorkSafe, started in July 2008, is titled 'Enforcement'. The aim of the campaign is to raise awareness of, and magnify the presence of our inspectorate and to remind employers of their legal OHS obligations and WorkSafe's role as an OHS regulator.

The slogan for the Enforcement campaign is: 'If your workers aren't safe, neither are you'. This message was developed to address research that indicated many small and medium employers' did not believe an inspector would ever reach their workplace.

It is important to influence the behaviour of the community so that safety is valued. The ad campaign will be aired on television around Victoria, there are direct mail-outs going to small and medium businesses, there are billboard ads and a WorkSafe tram will be running through Melbourne.

Queensland

Continued implementation of the Queensland Workplace Health and Safety Strategy 2004–12 and revision of industry action plans.

The *Queensland Workplace Health and Safety Strategy 2004–2012* is an integral part of the government's commitment to reducing the human and financial cost of work-related injury and illness. The Queensland Strategy and the underpinning industry action plans have had a positive effect on WHSQ by focussing on evidence based decision making and targeting high risk industries and injury mechanisms.

In 2007–08 WHSQ released seven new Industry Action Plans developed in consultation with industry stakeholders to reduce workplace death, injury and disease in Queensland. The initiatives in the Plans will direct WHSQ's operational activities over the next three years and provide guidance for working with industry to reduce work-related injuries and fatalities. The plans provide a blueprint for WHSQ to promote and lead cultural change in high risk industries, increase awareness of key issues and improve knowledge, education and skills in managing workplace health and safety.

Work Safe week and Queensland Work Safe Awards

Work Safe Week 2007 (21–27 October 2007), Workplace Health and Safety Queensland's (WHSQ) flagship annual event, took a different approach to previous years by having industry organise and hold events with support from WHSQ. The primary theme for the Week focussed on ensuring loved ones return home from work uninjured, in particular looking at reducing injuries caused by slips, trips and falls. The change in approach delivered positive results with Queensland businesses running 442 events across the state, an increase of 262 events compared to 2006. Visits to the WHSQ website and media coverage also significantly increased during the week.

Following the success of the inaugural Queensland Work Safe Awards held in 2006, the Awards ran again which encourage high standards of workplace health and safety in Queensland workplaces. Fifty-two entries were lodged for the 2007 Awards, an increase of 20 entries from the previous year. Winners of the Awards were announced during Work Safe Week. Two Queensland companies were also entered into the Office of the Australian Safety and Compensation Council (OASCC) national Safe Work Australia Awards and were recognised for their workplace health and safety efforts at the 2008 National Work Safe Awards ceremony held in Canberra in April 2008.

Homecomings Campaign

On the 22 May 2008, the Minister launched WHSQ's *Homecomings* advertising campaign. The 6 week campaign promotes the message 'The most important reason for making your workplace safe, is not at work at all'. It looks at changing employees and employers behaviour to workplace safety by shifting the focus from the workplace to the home. The campaign uses high impact television, radio and print advertising to try and put a higher price, importance and value on workplace safety. Homecomings information kits included a poster, fact sheet and a DVD on one of WHSQs own staff who shared his real-life experience of how a workplace incident affected his family.

Western Australia

In September 2007 WorkSafe launched the mass media 'Come Home Safe' campaign to increase safety awareness at work. The campaign focused on the importance of arriving home safely from work and featured children and family members waiting for loved ones to come home from work. The State wide six week mass media campaign comprised a 60 second and 30 second television advertisement and a 30 second radio advertisement, which were adapted from WorkSafe Victoria's successful 'Homecomings' campaign. The Western Australia campaign was supported by an information brochure, posters and promotional items. Feedback was received from independent market research indicating that the campaign was successful.

To improve safety and health representatives' understanding of occupational safety and health, WorkSafe held the Perth Work Safe 2007 Forum in October 2007 and regional forums in Geraldton in 2007 and Albany in 2007.

As part of a national safety awareness initiative, Safe Work Australia Week, was launched in October 2007. Organisations registered workplace activities during the week with WorkSafe and subsequently received information packs. The above Perth Work Safe 2008 Forum for safety and health representatives and the Safety Achievers Dinner were also held during the week.

From early 2007, WorkSafe has run well attended free '4Thought' lunch time forums. The range of topics have included working hours, investigations, cultural change in the workplace, licensing for high risk work, young people and induction training.

South Australia

Name of Promotional Campaign	Objective of Campaign	Date of Campaign/ Target Audience	Outcome/Evaluation
Passport to Safety	<p>Pilot Programme aimed at young people who are preparing to enter the workforce for the first time, whether that is work experience/ placement, part or full time work.</p> <p>Web based programme designed to support school-based orientation or employer based induction programmes.</p>	<p>Pilot programme commenced July 2005. Project continued to end of 2006.</p> <p>School students—Years 9–12 and Teachers. 60 schools participated with over 10,000 students taking part in that period.</p>	<p>22% increase in OHS knowledge for students</p> <p>19% increase in OHS knowledge for teachers</p> <p>Ongoing programme—information at www.passporttosafety.com/Australia</p>
Look after your Work Mates	<p>Mass media campaign (TV, radio and press, billboard signage and ambient media (posters etc).</p> <p>Primary objective to encourage behaviour that leads to a reduction in workplace fatalities, injuries and disease.</p> <p>Secondary objective to encourage South Australians to seek information and assistance from SafeWork's Help and Early Intervention Centre (HEIC) as well as increase brand awareness of SafeWork SA as the face of OHS in South Australia.</p>	<p>September 2007 to June 2008.</p> <p>All South Australian workers with a focus on those workers most at risk—blue collar and young workers and priority industries.</p> <p>The South Australian public.</p>	<p>External market research surveys conducted.</p> <p>Indicated campaign had a positive impact with the 'Look after your workmates' increasingly recognised as the main message.</p>

Name of Promotional Campaign	Objective of Campaign	Date of Campaign/ Target Audience	Outcome/Evaluation
SafeWork SA Industry Improvement Programme <i>[Current project]</i>	<p>Five strategies designed to engage industry and employers at all levels—Industry Associations, Government Agencies, self-insured businesses and large, medium and small businesses.</p> <p>Industry engagement and ongoing consultation with key industry sectors (Target audience—four active Industry OHS Committees);</p> <p>Large and self insured employer programme; Medium sized employer strategy;</p> <p>Small Business Strategy (Eight industry groups/ 82 industry sectors/high risk in terms of claims). Safework SA to provide advisory and support services in these groups.</p> <p>Risk Mitigation Strategy—implementation of national and state based intervention projects.</p>	<p>Programmes commenced throughout 2006–2007 with the small business strategies to commence in early 2008.</p> <p>Review of the strategic engagement for major stakeholders is continuing.</p> <p>Pilot programme in 2006–2007. Engagement and auditing commenced.</p> <p>Direct engagement with businesses that have experienced a higher number of claims than the industry average.</p> <p>Targeted industry specific forums across metro/regional areas commenced May 2008 over 12 months.</p> <p>Commenced 2007—includes Falls in Construction, Machine Guarding in Manuf, Violence in Healthcare and Young & new Workers in Hospitality.</p>	<p>Ongoing evaluation of all five strategies.</p>
Work Life Balance <i>[Current project]</i>	<p>SafeWork SA established an initial twelve month Work Life Balance Strategy in February 2007. The project, linked to South Australia's Strategic Plan, incorporates a new target on Work Life Balance, T2.12 <i>'Improve the quality of life of all South Australians by the maintenance of a healthy work life balance'</i>.</p> <p>The <i>WLB Action Agenda</i> proposes the development of promotional material linking WLB initiatives and OH&S and injury prevention. A clear area of further work is the OH&S implications of the growth in long hours work and the impact on stress and fatigue.</p>	<p>Series of presentations and participation in forum groups to promote and discuss the impact of work life balance in the workplace.</p> <p>Initial 12-month project ended March 2008.</p>	<p>Feedback on the 12-month project was positive, resulting in funding being extended to enable the development of the WLB Action Agenda's proposal to implement initiatives with key stakeholders and government departments.</p>

Australian Capital Territory

Partners in Safety Mentor Program—the ACT has adopted this program from the NSW Program of the same name. The program aims to link up big companies as mentors for smaller firms within the same industry. In the ACT the initial program, is limited to the Construction Industry. After completion of this first year an evaluation will be conducted to see whether the program should continue and/or to be extended to other industries in 2009.

Safe Work ACT Awards—the ACT's annual health and safety awards have been renamed to harmonise with the naming of the Safe Work Australia Awards. Award entries closed on 18 July and the Awards Ceremony will be a daytime event on 16 October 2008.

The Office of the Occupational Health and Safety Commissioner formed a strategic partnership with the Office of Regulatory Services to deliver a community education program that saw workplace safety a topic of discussion within families and between friends.

The traditional model of workplace safety relies on employers and supervisors setting the agenda for workplace safety by enacting safe practices and installing approved equipment.

The education program developed highlighted the role that every person has in contributing to workplace safety.

Experience has shown that in many areas, including workplace safety, prohibitive and prescriptive messages frequently fail to hit the mark with target audiences. These types of messages do not engage or connect with the audience, and by failing in both these areas they do not convert people to the desired behaviours.

A television advertisement and a series of radio advertisements were developed that took a different approach. Using the tagline 'Workplace injury—it can hurt you in more ways than you realise', these ads drew on emotional responses to highlight the consequences and flow-ons of a workplace accident. The TV ad uses a family situation to graphically convey that the physical injuries are only one of the adverse outcomes of a workplace accident. The disruption to the normal activities of a family is shown to be as painful and hurtful as any physical injury.

Commonwealth

Comcare commenced a workplace bullying campaign in 2006. The campaign was conducted over three phases that included:

- developing awareness of workplace bullying and its consequences;
- promoting good management practice; and
- assessing the systems employers have in place to prevent bullying.

Phase One included customer seminars, conference and publications provided to the jurisdiction. Phase Two focused on a targeted investigation of 14 organisations across the jurisdiction. Phase three is currently progressing with feedback being provided to individual organisations and a summary of results to the broader jurisdiction highlighting key areas of focus.

New Zealand

The New Zealand Department of Labour has recently completed the following promotional and/or informational campaigns:

- a medium-level awareness raising of increased workplace fatalities during the summer and autumn—a ‘Summer Fatalities’ television advertising campaign.
- A targeted ‘Health and Safety is No Joke’ television and newspaper advertising campaign to align with a reality television series featuring the work of the health and safety inspectorate.
- Print media and video-based campaign promoting the link between health and safety and productivity in workplaces.
- Completing research and beginning sector engagement to promote better workplace health and safety cultures.
- Public consultation on a new enforcement policy called ‘Keeping Work Safe’.
- Developing guidance and beginning sector engagement to encourage better contract management to improve workplace health and safety.

Promoting the health and safety of young workers and their rights through a range of targeted information strategies, including graphical information products and a successful song competition promoted by a radio station targeting Pacific youth.

Results of Evaluations

Victoria

Valuing Safety Campaign

The valuing safety campaign has been a great success in raising the Victorian communities' awareness of workplace health and safety issues. In particular the Homecomings campaign has been purchased and run by other Australian OHS jurisdictions including Queensland, NSW and Western Australia.

This campaign was evaluated through a Victoria wide random quantitative survey of employers and workers, with a sample size of 600 surveys for each group:

Employers:

Awareness of Homecomings advertisement: 93%

Awareness of School Play advertisement: 78%

Awareness of What's yours advertisements: 73%

Employees:

Awareness of Homecomings advertisement: 92%

Awareness of School Play advertisement: 74%

Awareness of What's yours advertisements: 68%

Supervisors Campaign

The supervisor's campaign has also raised awareness of health and safety issues in Victorian workplaces. This campaign was also evaluated through a Victoria wide random quantitative survey of employers and workers, with a sample size of 600 surveys for each group:

Awareness of employers: 84%

Awareness of employees: 89%

As the primary target for this campaign was supervisors another survey was conducted of a sample of 400 supervisors. The results of this survey are as follows:

- 90% of supervisors were aware of the campaign
- 84% considered that campaign quite/very effective in terms of encouraging supervisors to think about the OHS of their workers
- 65% of supervisors considered the campaign effective in encouraging workers to speak up about OHS issues in the workplace
- 57% of supervisors claim the campaign has encouraged them to think about how safe the tasks are that they assign to workers
- 14% of supervisors claim it has encouraged them to do something different in terms of OHS at work.

Safer Work Zones/ Towns

The campaigns positively contributed to overall WorkSafe business objectives. They constructively approached small workplaces and local communities unlikely to otherwise receive a visit from WorkSafe. The campaign participants from WorkSafe were transparent and also effective in their dealings with workplaces, by providing notice prior to inspections and offering practical solutions to known risks.

Overall, the campaigns were regarded as effective by all participants in the project.

The below is a summary of results for campaigns for activity for the 07/08 year:			
	Zones	Towns	Total
Visits	1277	800	2077
Prohibition Notices	12	13	25
Improvement Notices	579	559	1138
Voluntary Compliance	96	109	205

Enforcement

Campaign has just started thus there is no evaluation available currently.

Western Australia

WorkSafe conducted a survey in 2007 asking a broad range of workplaces in Perth and regional towns what they knew and understood about OHS and the role of WorkSafe. The findings in general show a high awareness of OHS, WorkSafe and safety in some industries.

Over 95 per cent of workers surveyed said they had heard of WorkSafe and both employees and employers agreed that WorkSafe's key goals are caring for the safety of workers and providing guidance and assistance in OHS to WA workplaces.

More than half of those surveyed believe that OHS laws are not relevant to their workplace. This is an area of concern. A key reason for this result appears to be connected with a lack of understanding of the law, with over half of these people revealing that they do not understand OHS laws and therefore assume the laws are not relevant to their workplace.

A large percentage of employers underestimate the existing dangers in their workplaces. According to WorkSafe definitions of risk level, which align with nationally agreed priorities, 37.3 per cent of workplaces operate in low risk environments, while 61.5 per cent of employers report that they perceive their workplaces to be low risk.

The most significant gaps between perceived risk and actual risk in workplaces tended to be in the industry groups of retail; accommodation, cafés and restaurants; and wholesale.

Other findings revealed that around 30 per cent of employers and employees do not have OHS mechanisms in their workplace. For those who do, an incident reporting system was nominated as the main formal mechanism.

Small businesses and the self employed continue to demonstrate low levels of OHS awareness. Survey findings show these groups have the lowest levels of confidence in their OHS performance, the lowest perception of risk and more than 30 per cent have no OHS mechanisms at all.

WorkSafe will be using the results of the survey to develop safety priorities for action.

South Australia

Refer to the table under Major Promotional Campaigns.

Appendix 1—OHS Acts

List of OHS Acts

	Principal OHS Acts
New South Wales	<ul style="list-style-type: none"> Occupational Health and Safety Act 2000
Victoria	<ul style="list-style-type: none"> Occupational Health and Safety Act 2004
Queensland	<ul style="list-style-type: none"> Workplace Health and Safety Act 1995
Western Australia	<ul style="list-style-type: none"> Occupational Safety and Health Act 1984
South Australia	<ul style="list-style-type: none"> Occupational Health, Safety and Welfare Act 1986
Tasmania	<ul style="list-style-type: none"> Workplace Health and Safety Act 1995
Northern Territory	<ul style="list-style-type: none"> Workplace Health and Safety Act 2007
Australian Capital Territory	<ul style="list-style-type: none"> Occupational Health and Safety Act 1989
Seacare	<ul style="list-style-type: none"> Occupational Health and Safety (Maritime Industry) Act 1993
Commonwealth	<ul style="list-style-type: none"> Occupational Health and Safety Act 1991
New Zealand	<ul style="list-style-type: none"> Health and Safety in Employment Act 1992

	Other Relevant Acts
New South Wales	<ul style="list-style-type: none"> Workers Compensation Act 1987 Workplace Injury Management and Workers Compensation Act 1998 Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987 Workers' Compensation (Dust Diseases) Act 1942 Sporting Injuries Insurance Act 1978 Explosives Act 2003
Victoria	<ul style="list-style-type: none"> Dangerous Goods Act 1985 Equipment (Public Safety) Act 1994 Road Transport (Dangerous Goods) Act 1995 Road Transport Reform (Dangerous Goods) Act 1995 (Commonwealth) Road Transport (DG) (Amendment) Act 1997
Queensland	<ul style="list-style-type: none"> Electrical Safety Act 2002 Dangerous Goods Safety Management Act 2001 Explosives Act 1999 Radiation Safety Act 1999 Transport Operations (Marine Safety) Act 1994 Transport Operations (Road Use Management) Act 1995 Mining and Quarrying Safety and Health Act 1999 Coal Mining Safety and Health Act 1999 Petroleum and Gas (Production and Safety) Act 2004
Western Australia	<ul style="list-style-type: none"> Mines Safety and Inspection Act 1994 Dangerous Goods Safety Act 2004

List of OHS Acts (continued)

	Other Relevant Acts
South Australia	<ul style="list-style-type: none"> Explosives Act 1936 Dangerous Substances Act 1979 Mines and Works Inspection Act 1920 Petroleum Products Regulation Act 1995 Workers Rehabilitation and Compensation Act 1986
Tasmania	<ul style="list-style-type: none"> Dangerous Goods Act 1998 Dangerous Substances (Safe Handling) Act 2005 Electricity Industry Safety and Administration Act 1997 Gas Act 2000 Gas Pipelines Act 2000 Occupational Licensing Act 2005 Plumber and Gas-fitters Act 1951 Security-sensitive Dangerous Substances Act 2005 Workers Rehabilitation and Compensation Act 1988
Northern Territory	<ul style="list-style-type: none"> Dangerous Goods Act 1998 Dangerous Goods (Road and Rail Transport) Act 2003 Radioactive Ores and Concentrates (Packaging and Transport) Act 1980 Workers Rehabilitation and Compensation Act 2007 Electricity Reform Act 2000 Electrical Workers and Contractors Amendment Act 2008
Australian Capital Territory	<ul style="list-style-type: none"> Public Sector Management Act 1994 Scaffolding and Lifts Act 1912 Machinery Act 1949 Dangerous Substances Act 2004 Clinical Waste Act 1990 Road Transport Reform (Dangerous Goods) Act 1995
Seacare	<ul style="list-style-type: none"> Seafarers Rehabilitation and Compensation Act 1992 Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Act 1992 Seafarers Rehabilitation and Compensation Levy Act 1992 Seafarers Rehabilitation and Compensation Levy Collection Act 1992
Commonwealth	
New Zealand	<ul style="list-style-type: none"> Hazardous Substances and New Organisms Act 1996 Injury Prevention, Rehabilitation and Compensation Act 2001

Appendix 2—OHS Regulations

List of OHS regulations

	Principal OHS Regulations
New South Wales	<ul style="list-style-type: none"> Occupational Health and Safety Regulation 2001
Victoria	<ul style="list-style-type: none"> Occupational Health and Safety Regulations 2007
Queensland	<ul style="list-style-type: none"> Workplace Health and Safety Regulation 1997
Western Australia	<ul style="list-style-type: none"> Occupational Safety and Health Regulations 1996
South Australia	<ul style="list-style-type: none"> Occupational Health, Safety and Welfare Regulations 1995
Tasmania	<ul style="list-style-type: none"> Workplace Health and Safety Regulations 1998
Northern Territory	<ul style="list-style-type: none"> Workplace Health and Safety Regulations 2008
Australian Capital Territory	<ul style="list-style-type: none"> Occupational Health and Safety Regulation 1991 Occupational Health and Safety (General) Regulation 2007 Occupational Health and Safety (Manual Handling) Regulation 1997 Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000 Magistrates Court (Occupational Health and Safety Infringement Notices) Regulation 2004
Seacare	<ul style="list-style-type: none"> Occupational Health and Safety (Maritime Industry) Regulations 1995 Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003
Commonwealth	<ul style="list-style-type: none"> Occupational Health and Safety (Safety Arrangements) Regulations 1991 Occupational Health and Safety (Safety Standards) Regulations 1994
New Zealand	<ul style="list-style-type: none"> Health and Safety in Employment Regulations 1995 Health and Safety in Employment (Rates of Funding Levy) Regulations 1994 Health and Safety in Employment (Mining Administration) Regulations 1996 Health and Safety in Employment (Asbestos) Regulations 1998 Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 Health and Safety in Employment (Mining-Underground) Regulations 1999 Health and Safety in Employment (Pipelines) Regulations 1999 Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999 Health and Safety in Employment (Prescribed Matters) Regulations 2003

List of OHS regulations (continued)

	Other Relevant Regulations
New South Wales	<ul style="list-style-type: none"> ■ Workers Compensation Regulation 2003 ■ Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2007 ■ Occupational Health and Safety (Clothing Factory Registration) Regulation 2001 ■ Explosives Regulation 2005 ■ Workers' Compensation (Dust Diseases) Act 1942 ■ Sporting Injuries Insurance Regulation 2004
Victoria	<ul style="list-style-type: none"> ■ Dangerous Goods (Explosives) Regulations 2000 ■ Dangerous Goods (HCDG) Regulations 2005 ■ Dangerous Goods (Storage and Handling) Regulations 2000 ■ Dangerous Goods (Transport by Rail) Regulations 1998 ■ Equipment (Public Safety) Regulations 2007 ■ Magistrates' Court (Occupational Health and Safety) Rules 2005 ■ Road Transport (Dangerous Goods) (Licence Fees) Regulations 1998 ■ Road Transport Reform (Dangerous Goods) Regulations 1997
Queensland	<ul style="list-style-type: none"> ■ Electrical Safety Regulation 2002 ■ Electrical Safety (Codes of Practice) Notice 2002 ■ Dangerous Goods Safety Management Regulation 2001 ■ Explosives Regulation 2003 ■ Radiation Safety Regulation 1999 ■ Radiation Safety (Radiation Safety Standards) Notice 1999 ■ Transport Operations (Marine Safety) Regulation 2004 ■ Transport Operations (Marine Safety –Designing and Building Commercial Ships and Fishing Ships) Standard 2006 ■ Transport Operations (Marine Safety—Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006 ■ Transport Operations (Examining and Training Program Approvals (Commercial Ships and Fishing Ships)) Standard 2007 ■ Transport Operations (Marine safety—Hire and Drive Ships) Standard 2007 ■ Transport Operations (Road Use Management) Regulation 1995 ■ Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999 ■ Transport Operations (Road Use Management—Dangerous Goods) Regulation 1998 ■ Transport Operations (Road Use Management—Fatigue Management) Regulation 1998 ■ Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005 ■ Mining and Quarrying Safety and Health Regulation 2001 ■ Coal Mining Safety and Health Regulation 2001 ■ Petroleum and Gas (Production and Safety) Regulation 2004

List of OHS regulations (continued)

	Other Relevant Regulations
Western Australia	<ul style="list-style-type: none"> ■ Mines Safety and Inspection Regulations 1995 ■ Dangerous Goods Safety (Explosives) Regulations 2007 ■ Dangerous Goods Safety (General) Regulations 2007 ■ Dangerous Goods Safety (Goods in Port) Regulations 2007 ■ Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007 ■ Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 ■ Dangerous Goods Safety (Security Risk Substances) Regulations 2007 ■ Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007
South Australia	<ul style="list-style-type: none"> ■ Dangerous Substances Regulations 2002 ■ Explosives Regulations 1996 ■ Explosives (Fireworks) Regulations 2001 ■ Mines and Works Inspection Regulations 1998 ■ Petroleum Products Regulations 2008
Tasmania	<ul style="list-style-type: none"> ■ Dangerous Goods (General) Regulations 1998 ■ Dangerous Goods (Road and Rail Transport) Regulations 1998 ■ Electricity Industry Safety and Administration Regulations 1999 ■ Gas (safety) regulations 2002 ■ Gas Pipelines Regulations 2000 ■ Security-sensitive Dangerous Substances Regulations 2005
Northern Territory	<ul style="list-style-type: none"> ■ Dangerous Goods Regulations 2003 ■ Dangerous Goods (Road and Rail Transport) Regulations 2003 ■ Radioactive Ores and Concentrates (Packaging and Transport) Regulations 1980 ■ Workers Rehabilitation and Compensation Regulations 2008 ■ Electricity Reform (Safety and Technical) Regulations 2000 ■ Electrical Workers and Contractors Regulations 1984
Australian Capital Territory	<ul style="list-style-type: none"> ■ Scaffolding and Lifts Regulation 1950 ■ Machinery Regulation 1950 ■ Dangerous Substances (General) Regulation 2004 ■ Dangerous Substances (Explosives) Regulation 2004
Seacare	<ul style="list-style-type: none"> ■ Seafarers Rehabilitation and Compensation Regulations 1993 ■ Seafarers Rehabilitation and Compensation Levy Regulations 2002 ■ Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002
Commonwealth	
New Zealand	

Appendix 3—OHS Codes of Practice

List of approved codes of practice

	Approved Codes of Practice
New South Wales	<ul style="list-style-type: none"> ▪ http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/default.htm ▪ Accommodation for Rural Agricultural Work ▪ Workplace Amenities ▪ Amenities for Construction Work ▪ Amenity Tree Industry ▪ Collection of Domestic Waste ▪ Compactors ▪ Construction Testing Concrete Pumps ▪ Control of Workplace Hazardous Substances ▪ Control of Work-related Exposure to Hepatitis and HIV (Blood-Borne) Viruses ▪ Cutting and drilling concrete and other masonry products ▪ Electrical Practices for Construction Work ▪ Excavation ▪ Façade Retention ▪ Formwork ▪ Labelling of Workplace Substances ▪ Low Voltage Electrical Work ▪ Manual Handling ▪ Mono-strand Post-tensioning of Concrete Buildings ▪ Moving Plant on Construction Sites ▪ Noise Management and Protection of Hearing at Work ▪ OHS Consultation ▪ OHS Induction Training for Construction Work ▪ Overhead Protective Structures ▪ Preparation of Material Safety Data Sheets ▪ Prevention of Occupational Overuse Syndrome ▪ Pumping Concrete ▪ Risk Assessment ▪ Safe Handling Storage of Enzymatic Detergent Powders and Liquids ▪ Safe Handling of Timber Preservatives and Treated Timber ▪ Safe Use of Bulk Solids Containers and Flatbed Storage including Silos, Field Bins and Chaser Bins ▪ Safe Use and Storage of Chemicals (including Herbicides and Pesticides) in Agriculture ▪ Safe Use of Pesticides Including Herbicides in Non-Agricultural Workplaces ▪ Safe Use of Synthetic Mineral Fibres ▪ Safe Use of Vinyl Chloride ▪ Safe Work on Roofs Part 1 Commercial and Industrial Buildings ▪ Safe Work on Roofs Part 2 Residential building ▪ Safety Aspects in the Design of Bulk Solids Containers including Silos, Field Bins and Chaser Bins

List of approved codes of practice (continued)

	Approved Codes of Practice
New South Wales	<ul style="list-style-type: none"> ■ Safety in Forest Harvesting Operations ■ Safety Line Systems ■ Sawmilling Industry ■ Storage and Handling of Dangerous Goods ■ Technical Guidance ■ Transport and Deliver of Cash in Transit Industry ■ Tunnels Under Construction ■ Work in Hot or Cold Environments ■ Work Near Overhead Power Lines ■ Workplace Injury and Disease Recording
Victoria	<p>http://www.worksafe.vic.gov.au/wps/wcm/connect/WorkSafe/Home/Forms+and+Publications/</p> <p>The Victorian Act 2004 does not allow for the making of Codes of Practice. These have been replaced with compliance codes (s.149), which have a 'deemed to comply' status.</p> <p>The following codes of practice made under the 1985 Act will continue to form part of the state of knowledge in relation to their subject matter, until they are replaced:</p> <ul style="list-style-type: none"> ■ Building and Construction in Workplaces ■ Confined Spaces ■ Dangerous Goods Storage and Handling ■ Demolition ■ Demolition (Amendment No. 1) ■ First Aid in the Workplace ■ Foundries ■ Hazardous Substances ■ Lead ■ Manual Handling ■ Plant ■ Plant (Amendment No. 1) ■ Prevention of Falls in General Construction ■ Prevention of Falls in Housing Construction ■ Provision of Occupational Health and Safety Information in Languages Other than English ■ Safe use of cranes in the building and construction industry ■ Safety in Forest Operations ■ Workplaces <p>These Codes of Practice are being reviewed and replaced over time with statutory documents under the 2004 Act, national codes, or where applicable, non-statutory guidance.</p>

List of approved codes of practice (continued)

	Approved Codes of Practice
Queensland	<p>Codes of practice made under the Workplace Health and Safety Act 1995 http://www.deir.qld.gov.au/publications/type/codesofpractice/index.htm#c</p> <ul style="list-style-type: none"> ■ Abrasive Blasting ■ Cash in Transit ■ Children and Young Workers ■ Compressed Air Recreational Diving and Recreational Snorkelling ■ Concrete Pumping ■ First Aid ■ Forest Harvesting ■ Formwork ■ Foundry ■ Hazardous Substances ■ Horse Riding Schools, Trail Riding Establishments and Horse Hiring Establishments Industry ■ Manual Tasks ■ Manual Tasks Involving the Handling of People ■ Mobile Crane ■ Noise ■ Occupational Diving Work ■ Plant ■ Prevention of Workplace Harassment ■ Recreational Technical Diving ■ Risk Management ■ Rural Plant ■ Safe Design and Operation of Tractors ■ Scaffolding ■ Steel Construction ■ Storage and Use of Chemicals at Rural Workplaces ■ Sugar Industry ■ Tilt-up and Pre-cast Construction ■ Tower Crane ■ Traffic Management for Construction or Maintenance Work ■ Tunnelling <p>Codes of practice made under the Electrical Safety Act 2002</p> <ul style="list-style-type: none"> ■ Works (Protective earthing, underground cable systems and maintenance of supporting structures for powerlines) ■ Electrical Work ■ Working Near Exposed Live Parts ■ Electrical Equipment—Rural Industry

List of approved codes of practice (continued)

	Approved Codes of Practice
Western Australia	<p>http://www.docep.wa.gov.au/WorkSafe/PDF/Codes_of_Practice/index.htm</p> <ul style="list-style-type: none"> ■ Abrasive blasting ■ Scaffolding ■ Formwork for Concrete ■ Management and Control of Asbestos in the Workplace ■ Safe Removal of Asbestos ■ Control of Scheduled Carcinogenic Substances ■ Concrete and masonry cutting and drilling ■ Safe use of Ethylene Oxide in Sterilisation/Fumigation Processes ■ Excavation ■ Fatigue management of commercial drivers ■ First Aid, Workplace Amenities and Personal Protective Equipment ■ Control of Workplace Hazardous Substances ■ Safe Design of Buildings and Structures ■ High pressure water jetting ■ Ferry and charter boat industry ■ Safety and Health within Waste Management and Recycling ■ Health and Safety in Welding—Technical Note ■ Labelling of Workplace Substances ■ Control and Safe use of Inorganic Lead at Work ■ Management of HIV/AIDS and Hepatitis at Workplaces ■ Manual Handling ■ Preparation of Material Safety Data Sheets ■ Managing Noise at Workplaces ■ Control of Noise in the Music Entertainment Industry ■ Prevention of Occupational Overuse Syndrome ■ Occupational Safety and Health in Call Centres ■ Occupational Safety and Health in the WA Public Sector ■ Prevention and Control of Legionnaire's Disease ■ Prevention of Falls at Workplaces ■ Spray Painting ■ Styrene ■ Surface Rock Support for Underground Mines ■ Safe Use of Synthetic Mineral Fibres ■ Tilt up and Pre-cast Concrete Construction ■ Safe Use of Vinyl Chloride ■ Violence, Aggression and Bullying at Work ■ Working Hours

List of approved codes of practice (continued)

	Approved Codes of Practice
South Australia	<p>http://www.safework.sa.gov.au/show_page.jsp?id=5892</p> <ul style="list-style-type: none"> ■ Miniature Boiler Safety AMBSC Part 1 Copper Boilers ■ Miniature Boiler Safety AMBSC Part 2 Steel Boilers ■ Electrical Installations—Construction and Demolition Sites ■ Guards for Agricultural Tractor PTO Drives ■ Boilers and Pressure Vessels—In service Inspection ■ Power Presses ■ Fire Hose Reels ■ Acoustics-Hearing Protectors ■ Recommended Practices for Eye Protection in the Industrial Environment ■ Part 1—Filters for Protection Against Radiation Generated in Welding and Allied Operations ■ Part 2—Filters for Protection Against Ultraviolet Radiation ■ Part 3—Filters for Protection Against Infrared Radiation ■ Cranes (including hoists and winches) ■ Guarding and Safe Use of Woodworking Machinery ■ Scaffolding Parts 1–4 ■ Scaffolding Planks ■ Agricultural Wheeled Tractors-Rollover Protective Structures ■ Fixed Platforms, Walkways, Stairways and Ladders—Design, Construction and Installation ■ Safety in Welding and Allied Processes ■ Interior Lighting and Visual Equipment ■ Selection, Use and Maintenance of Respiratory Protective Devices ■ Respiratory Protective Devices ■ Lifts, Escalators and Moving Walkways—SAA lift code ■ Conveyors: Design, construction, installation and operation—safety requirements ■ Abrasive Wheels Parts 1 & 2 ■ Selection Care and Use of Industrial Safety Helmets ■ Industrial Safety Helmets ■ Maintenance of Fire Protection Equipment Parts 1,2,3 and 4 ■ Workplace Injury and Disease Recording Standard ■ Industrial Safety Belts and Harnesses ■ Portable Ladders ■ Guarding and Safe Use of Metal and Paper Cutting Guillotines ■ SAS Gas Cylinders ■ Industrial Safety Gloves and Mittens ■ Explosives ■ Safety Footwear ■ Laser Safety ■ Earthmoving Machinery—Protective Structures ■ Safe Use of Lasers in the Construction Industry

List of approved codes of practice (continued)

	Approved Codes of Practice
South Australia	<ul style="list-style-type: none"> ■ Plastic Building Sheets—General Installation Requirements and Design of Roofing Systems ■ Classification of Hazardous Areas ■ Cranes Safe Use ■ Boilers—Unattended and Limited Attendance ■ Industrial Safety Belts and Harnesses—Selection, Use and Maintenance ■ Demolition of Structures ■ Chainsaws—Safety requirements ■ Chainsaws—Guide to safe working practices ■ Safe Working in a Confined Space ■ Serially Produced Pressure Vessels ■ SAA Wiring Rules ■ Health and Safety in Welding—Technical Note 7—July 1989 ■ Approval and Test Specifications for Current-Operated (Core-Balance) Earth-Leakage Devices ■ Amusement Rides and Devices Part 1: Design and construction ■ Amusement Rides and Devices Part 2: Operation and maintenance ■ Amusement Rides and Devices Part 3: In service inspection ■ Brushcutters—Safety requirements ■ Brushcutters—Guide to safe working practices ■ Safe Removal of Asbestos ■ Management and Control of Asbestos in the Workplace ■ Safe Erection of Structural Steelwork ■ Occupational Health and First Aid ■ Safe Handling of Timber Preservatives and Treated Timber ■ Control of Workplace Hazardous Substances ■ Labelling of Workplace Hazardous Substances ■ Logging Stanchions and Bulkheads ■ Manual Handling ■ Preparation of Material Safety Data Sheets ■ Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres ■ Noise Management and Protection of Hearing at Work ■ Safe Use of Synthetic Mineral Fibres ■ Tuna Farm Diving

List of approved codes of practice (continued)

	Approved Codes of Practice
Tasmania	http://www.wst.tas.gov.au/safety_comply/legislation/cops <ul style="list-style-type: none"> ■ Risk Management of Agricultural Shows and Carnivals ■ Tasmanian Abalone Industry ■ Forest Safety (Tasmania) ■ Hairdressing Industry ■ Managing the Risk of Falling in Housing Construction ■ Noise Management and Protection of Hearing at Work ■ Safe Use of Reinforced Plastics ■ Working at Heights in Commercial Construction ■ Safe Removal of Asbestos ■ Preparation of Material Safety Data Sheets ■ Labelling of Workplace Substances
Northern Territory	http://www.worksafe.nt.gov.au/corporate/codes_of_practice.shtml <ul style="list-style-type: none"> ■ Safe Use of Ethylene Oxide in Sterilisation/Fumigation Processes ■ Fatigue Management ■ Control of Workplace Hazardous Substances ■ Control of Work-related Exposure to Hepatitis and HIV (Blood-borne) Viruses ■ Control and Safe Use of Inorganic Lead at Work ■ Labelling of Workplace Substances ■ Control of Major Hazard Facilities ■ Management and Control of Asbestos in Workplaces ■ Manual Handling ■ Preparation of Material Safety Data Sheets ■ Noise Management and Protection of Hearing at Work ■ Prevention of Occupational Overuse Syndrome ■ Safe Removal of Asbestos ■ Storage and Handling of Workplace Dangerous Goods ■ Safe Use of Synthetic Mineral Fibres ■ Safe Handling of Timber Preservatives and Treated Timber

List of approved codes of practice (continued)

	Approved Codes of Practice
Australian Capital Territory	<p>http://www.workcover.act.gov.au/docs/codesohs.htm</p> <ul style="list-style-type: none"> ▪ Safe Working in a Confined Space ▪ ACT Construction Industry Amenities ▪ Control and Safe Use of Inorganic Lead at Work ▪ Safe Demolition Work ▪ Exposure Standards for Atmospheric Contaminants in the Occupational Environment ▪ Limiting Occupational Exposure to Ionising Radiation ▪ ACT First Aid in the Workplace ▪ Human Immunodeficiency Virus and Hepatitis B ▪ Manual Handling ▪ Noise ▪ Plant ▪ Prevention of Occupational Overuse Syndrome ▪ Sexual Services Industry ▪ Smoke Free Workplaces ▪ Steel Construction ▪ Synthetic Mineral Fibres ▪ Transport and Delivery of Cash ▪ Safe Working on Roofs Part 1 ▪ Safe Working on Roofs Part 2 ▪ Dangerous Substances—Control of Workplace Hazardous Substances ▪ Dangerous Substances—Preparation of Material Safety Data Sheets ▪ Dangerous Substances—Labelling of Workplace Substances ▪ Safe Removal of Asbestos ▪ Storage and Handling of Workplace Dangerous Goods ▪ Construction Work ▪ Prevention of Musculoskeletal Disorders from the Performing of Manual Tasks at Work ▪ Manual Tasks

List of approved codes of practice (continued)

	Approved Codes of Practice
Seacare	http://www.comcare.gov.au/seacare/publications <ul style="list-style-type: none"> ■ Seacare Authority Code of Practice 1/2000 (incorporates Australian Offshore Support Vessel and Australian Seafarers) ■ Manual Handling (Maritime Industry)
Commonwealth	http://www.comcare.gov.au/safety/codes_of_practice <ul style="list-style-type: none"> ■ Occupational Health and Safety Code of Practice 2008 ■ Includes topics of: <ul style="list-style-type: none"> ■ Risk Management ■ First Aid ■ Noise ■ Vibration ■ Human Immunodeficiency Virus and Hepatitis B and C ■ Confined Spaces ■ Indoor Air Quality ■ Safety in Laboratories ■ Storage and Handling of Dangerous Goods ■ Hazardous Substances ■ Synthetic Mineral Fibres ■ Vinyl Chloride ■ Carcinogenic Substances ■ Timber Preservatives ■ Inorganic Lead ■ Ethylene Oxide ■ Ultraviolet Radiation in Sunlight ■ Occupational Diving ■ Spray Painting ■ Abrasive Blasting ■ Cash in Transit

List of approved codes of practice (continued)

	Approved Codes of Practice
New Zealand	<p>http://www.osh.govt.nz/order/catalogue/index.shtml</p> <ul style="list-style-type: none"> ■ Safety and Health in Tree work—Part 1 ■ Design, Safe Operation, Maintenance and Servicing of Boilers ■ Design, Manufacture, Supply, Safe Operation, maintenance and Inspection of Cranes ■ Demolition ■ Excavation and Shafts for Foundations ■ Prevention, Detection and Control of Fire and Explosion in New Zealand Dairy Industry Spray Drying Plant ■ Safety and Health in Forest Operations ■ Forest Operations—Safety Code—Part 5: Timber Stacking, Packeting and Transportation ■ Training Operators, Instructors of Powered Industrial Lift Trucks (Forklifts) ■ Helicopter Logging ■ Safe Use of Isocyanates ■ Safety and Health in Tree Work Part 2—Maintenance of Trees Around Power Lines ■ Management of Substances Hazardous to Health (MOSHH) in the Place of Work ■ Managing Hazards to Prevent Major Industrial Accidents ■ Management of Noise in the Workplace ■ Operator Protective Structures on Self-Propelled Mobile Mechanical Plant ■ Safety and Health in the Manufacture of Paint, Printing Inks and Resins ■ Passenger Ropeways in New Zealand ■ Safety in Photoengraving and Lithographic Processes ■ Powder-Actuated Hand-Held Fastening Tools ■ Power-Operated Elevating Work Platforms ■ Safe Handling, Transportation and Erection of Pre-Cast Concrete ■ Pressure Equipment (Excluding Boilers) ■ Load-Lifting Rigging ■ Safety and Health in Tree Work Part 3—River and Stream Operations ■ Roll Over Protective Structures on Tractors in Agricultural Operations ■ Safe Erection and Use of Scaffolding ■ Prevention of Sulphur Fires and Explosions ■ Safe Use of Visual Display Units in the Place of Work

Appendix 4—Jurisdictional Contacts

Jurisdiction	Organisation	Website/Hotline
New South Wales	WorkCover NSW	13 10 50 contact@workcover.nsw.gov.au www.workcover.nsw.gov.au
Victoria	WorkSafe Victoria	www.worksafe.vic.gov.au 1800 136 089
Queensland	Workplace Health and Safety Queensland Department of Employment and Industrial Relations	www.deir.qld.gov.au 1300369915
Western Australia	WorkSafe Western Australia	www.worksafe.wa.gov.au 1300 307877
South Australia	SafeWork SA	www.safework.sa.gov.au 1300 365 255 08 8303 0400 (mobile and interstate callers) help@safework.sa.gov.au
Tasmania	Workplace Standards Tasmania WorkCover Tasmania	1300 366 322 or (03) 6233 7657 (outside Tas) wstinfo@justice.tas.gov.au www.wst.tas.gov.au
Northern Territory	NT WorkSafe	worksafe.nt.gov.au 1800 019 115
Australian Capital Territory	ACT Office of Regulatory Services	www.ors.act.gov.au
Seacare	Seacare	http://www.seacare.gov.au/
Commonwealth	Comcare	1300 366 979 www.comcare.gov.au ohs.help@comcare.gov.au
New Zealand	Workplace Policy Group Department of Labour New Zealand	www.dol.govt.nz +64 9 969 2950

