



THE UNIVERSITY OF  
WESTERN AUSTRALIA  
*Achieve International Excellence*

# Work Health and Safety Act

Information for:

- Officers
- Workers
- Managers and Supervisors
- Creation of Health and Safety Committees

# New Legislation

- Harmonised health and safety legislation is planned to be introduced to Western Australia as the **Work Health and Safety Act**.
- Model Codes of Practice are currently available and others are being developed.
- The University is required to have adequate systems, structures, processes, procedures and reporting to comply with the health and safety laws.

# Keeping track of changes

- How can we relate UWA safety procedures and guidance to legislative requirements?
- How can we keep up-to-date with changing legislation?

# UWA Safety Risk Register <<< link

<u>HAZARD TYPES</u>	<u>HAZARDOUS LOCATIONS</u>	<u>HAZARDOUS ACTIVITIES</u>	<u>GROUPS AT RISK</u>	<u>OTHER</u>
<b>1.1 SUBSTANCES</b> (a) Chemicals (b) Asbestos and hazardous materials	<b>2.1 WORKPLACE ENVIRONMENT AND FACILITIES</b>  <b>2.2 WORKING OUTDOORS</b>	<b>3.1 MANUAL HANDLING / ERGONOMICS</b>  <b>3.2 TRAVEL AND OFF-CAMPUS ACTIVITIES (includes Fieldwork and 4WD)</b>	<b>4.1 CLIENTS, CUSTOMERS AND GENERAL PUBLIC</b>  <b>4.2 CONTRACTORS</b>	<b>5.1 PURCHASING</b>  <b>5.2 EMERGENCY INCIDENT</b>
<b>1.2 BIOLOGICAL</b> (a) Biological research and activities (b) Infectious diseases (c) Working with animals	<b>2.3 LABORATORIES (non-radioactive)</b>  <b>2.4 WORKSHOPS</b>  <b>2.5 CONFINED SPACES</b>	<b>3.3 DIVING AND BOATING</b>  <b>3.4 WORKPLACE DESIGN AND CONSTRUCTION</b>  <b>3.5 HOT WORK</b>	<b>4.3 AFTER HOURS ON CAMPUS</b>	<b>5.3 LEGAL COMPLIANCE (includes auditing)</b>
<b>1.3 ELECTRICAL</b>	<b>2.6 WORK AT HEIGHTS ABOVE 2 METRES</b>	<b>3.6 SMOKING</b>		
<b>1.4 PHYSICAL</b> (a) Plant and equipment (b) Noise (c) Ionising radiation (d) Ionising radiation excluding outdoors (e) Traffic (f) Firearms, regulated and prescribed weapons	<b>2.7 COOLING TOWERS</b>	<b>3.7 ALCOHOL AND OTHER DRUGS</b>		
<b>1.5 PSYCHOSOCIAL</b>				

Category	Description of Hazard/Risk	Raw Risk Assessment			Raw Risk Rating	Legislation	Standards/Codes/Guidances	University Policies/Procedures	Controls	Residual Risk Rating
		C	L	E						
1. Chemical	<ul style="list-style-type: none"> <li>Chemical exposure - acute or chronic:               <ul style="list-style-type: none"> <li>inhalation</li> <li>absorption</li> <li>ingestion</li> <li>injection</li> </ul> </li> <li>Fire or Fire and/or explosion through incorrect storage, handling, labeling or mixing of chemicals</li> <li>New chemicals with uncertain properties arising from research and subsequent health and environmental affects</li> <li>Time sensitive chemicals that can become unstable during storage</li> <li>Production of hazardous wastes</li> <li>Environmental contamination due to accidental leakage, spills, emissions:               <ul style="list-style-type: none"> <li>air</li> <li>water</li> <li>soil/ground</li> </ul> </li> </ul>	50	6	3	900 VH	<ul style="list-style-type: none"> <li>Occupational Safety and Health Act 1984</li> <li>Occupational Safety and Health Regulations 1996:               <ul style="list-style-type: none"> <li>Part 5 - Hazardous substances</li> </ul> </li> <li>Dangerous Goods Safety Act 2004</li> <li>Dangerous Goods Safety (General) Regulations 2007</li> <li>Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007</li> <li>Poisons Act 1964</li> <li>Poisons Regulations 1965</li> <li>Excise Act 1901 (Commonwealth)</li> <li>Excise Regulations 1925 (Commonwealth)</li> <li>Chemical Weapons Prohibition Act 1994 (Commonwealth)</li> <li>Agricultural and Veterinary Chemicals (Western Australia) Act 1995</li> <li>Agricultural and Veterinary Chemicals Code Act 1994 (Commonwealth)</li> <li>Water Corporation Act 1995</li> <li>Water Supply Sewerage and Drainage Act 1912</li> <li>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</li> </ul>	<p><b>STANDARDS:</b></p> <ul style="list-style-type: none"> <li>AS/NZS 2229 Fuel Dispensing Equipment for Explosive Atmospheres</li> <li>AS 1692 Steel Tanks for Flammable and Combustible Liquids</li> <li>AS/NZS 1020 The Control of Undesirable Static Electricity</li> <li>AS 1216 Class Labels for Dangerous Goods</li> <li>AS 1940 The Storage and Handling of Flammable and Combustible Liquids</li> <li>AS 2567 Laminar Flow Cytotoxic Drug Safety Cabinets</li> <li>AS 2243 (series) Safety in Laboratories               <ul style="list-style-type: none"> <li>Part 2: 2006 - Chemical aspects</li> <li>Part10: 2004 - Storage of chemicals</li> </ul> </li> <li>AS/NZS 1596 The Storage and Handling of LP Gas</li> <li>AS 1345 Identification of the Contents of Pipes, Conduits and Ducts</li> <li>AS 2030 (series) The Verification, Filling, Inspection, Testing and Maintenance of Cylinders for Storage and Transport of Compresses gases</li> <li>AS 1694 The Storage and Handling of Non-Flammable Cryogenic and Refrigerated Liquids</li> <li>AS 4757 Handling and Destruction of Drugs</li> <li>Standard for the Uniform Scheduling of Drugs and Poisons (Commonwealth)</li> <li>National Standard Storage and Handling of Workplace Dangerous Goods [NOHSC:1015 (2001)]</li> </ul> <p><b>CODES OF PRACTICE:</b></p> <ul style="list-style-type: none"> <li>Australian Dangerous Goods Transport Code Edition 6 &amp; 7</li> <li>National Code of Practice for the Preparation of Material Safety Data Sheets [NOHSC:2011 (2003)]</li> <li>National Model Regulation for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)]</li> <li>National Code of Practice for the Control of Workplace Hazardous Substances [NOHSC:2007(1994)]</li> <li>Code of Practice for the Control of Scheduled Carcinogenic Substances [NOHSC:2014 (1995)]</li> <li>National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012 (1994)]</li> <li>National Code of Practice for the Storage and Handling of Workplace Dangerous Goods [NOHSC:2017 (2001)]</li> </ul> <p><b>GUIDANCES:</b></p> <ul style="list-style-type: none"> <li>National Guidance Note - Assessing Risks of Hazardous Substances</li> <li>National Guidance Note - Exposure Standards</li> <li>Controlling Isocyanate Hazards at Work</li> <li>Guidance Note for the Assessment of Health Risks Arising from the Use of</li> </ul>	<p><b>PROCEDURES:</b></p> <ul style="list-style-type: none"> <li>Safety Requirements for Purchase or Supply of Goods</li> <li>Safety Risk Management</li> <li>Chemical Waste – Cytotoxic Waste Disposal</li> <li>Illicit Drug Precursors</li> <li>Poisons Permits</li> <li>Chemical Waste - Disposal to Sewer</li> <li>Chemical Waste – Offsite Disposal</li> <li>Carcinogens, Mutagens and Teratogens - Research Services grant approval</li> <li>Waste Management. Disposal of               <ul style="list-style-type: none"> <li>Ethidium Bromide</li> <li>Gaseous Waste</li> <li>General Laboratory Wastes</li> <li>Hazardous Chemicals (not radioactive)</li> </ul> </li> </ul> <p><b>GUIDELINES:</b></p> <ul style="list-style-type: none"> <li>Laboratory Code of Conduct</li> <li>Eyewash and Emergency Showers</li> <li>Capacitors containing PCBs - safe handling of</li> <li>Material Safety Data Sheets (MSDS)</li> <li>Concessional Spirits</li> <li>Waste Management - Disposal of Contaminated Pipettes (R2002)</li> <li>Waste Management - Disposal of Non contaminated disposal glassware and broken glass</li> <li>Material Safety Data Sheets (MSDS)</li> </ul>	<ul style="list-style-type: none"> <li>Chemical Safety web site</li> <li>ChemAlert -MSDS manifest and inventory system</li> <li>Chemical Risk Assessments</li> <li>Pre-purchase checklist - chemicals</li> <li>Licensing agreements and requirements</li> <li>Engineering controls such as:               <ul style="list-style-type: none"> <li>fume cupboards</li> <li>mechanical ventilation</li> <li>extraction</li> <li>atmospheric monitoring</li> </ul> </li> <li>Purpose built storage areas for cylinders and compressed gases</li> <li>Restricted access to authorised personnel</li> <li>Correct labelling, storage and segregation</li> <li>Scheduled workplace assessments that include chemical assessment</li> <li>Time sensitive chemicals dated</li> <li>Emergency procedures for accidental release/spillage</li> <li>Employee health monitoring</li> <li>Chemical Management Training</li> <li>Gas Safety Training</li> <li>Personal protective equipment</li> <li>Hazardous waste removal</li> </ul>	M

# Accountability and Responsibility

- **OFFICERS** - The University Executive (which includes Deans). Other persons may also be determined to be Officers, this will need to be established through Case law. Officers will be required to demonstrate 'due diligence'
- **WORKERS** - All persons carrying out work in any capacity for the University. Workers will be required to take 'reasonable care'.

employees

contractors

apprentices

post-grad students

general line managers

subcontractors

those on work experience

supervisors

labour hire workers

trainees

# Officers

## **Due diligence defines the requirement to:**

- Have a current knowledge of work health and safety matters
- Understand the nature of the operations of the business and generally of the hazards and risks associated with it
- Ensure that the business uses appropriate resources and processes to control or eliminate hazards
- Ensure that the business has appropriate processes for receiving and responding to information regarding incidents, hazards and risks in a timely way
- Have in place monitoring systems to verifying continued compliance with the obligations of the business

# Officers

## **Due diligence includes the ability to demonstrate:**

- Knowledge of and compliance with the Act, Regulations, codes of practice and relevant standards
- Undertaking of risk assessment and appropriate allocation of resources
- Provision of information, instruction, training and supervision aligned to risk assessment outcomes
- That resources are allocated to implement, measure, assess and improve work health and safety performance
- Effective consultation and cooperation with stakeholders and elected Health and Safety Representatives

# Officers

## **Other strategies to meet legal obligations include:**

- Establish formal top down and bottom up reporting framework
- Know what to report and who to report to (i.e. WHS breaches, WorkSafe Notices, injuries, workers' compensation and legal actions)
- Establish proactive and retrospective performance indicators
- Establish and implement a formal planning framework (i.e. compliance reporting, responsibility, strategies and actions aligned to performance indicators)
- Implement self-assessment, internal audit and external audit programs

# Workers

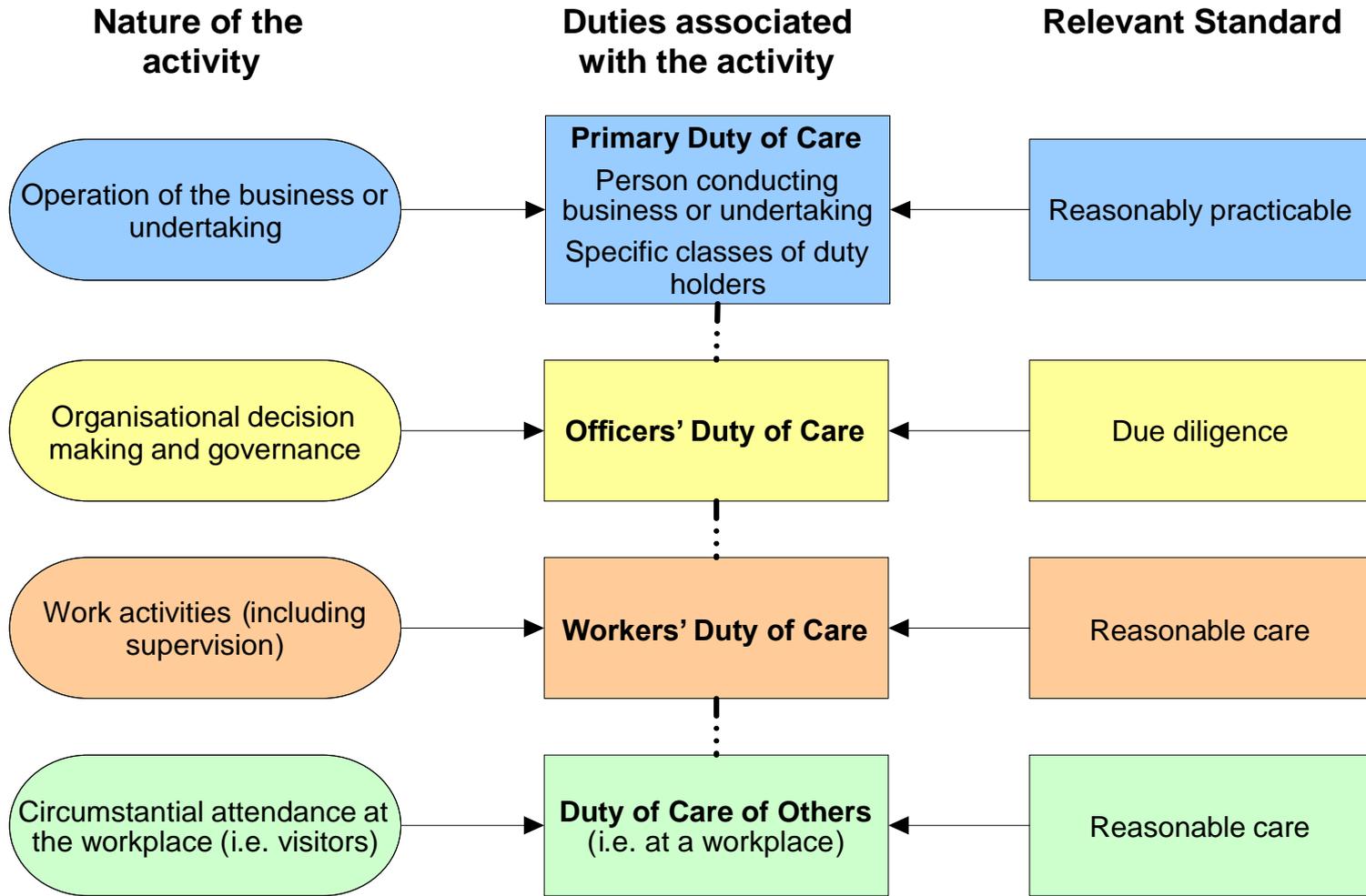
## Have a 'duty of care' which requires them to:

- Take 'reasonable care' of their own health and safety at work
- Take reasonable care that their own acts and omissions do not adversely affect the health and safety of other people at work
- Comply, so far as is reasonably practical, with instruction in WHS policies, procedures and other directives

## **Reasonable care** is an objective test:

The courts look at what a reasonable person would have done in the circumstances of the worker, rather than looking at the subjective situation of the worker

# Duty of Care - Interdependence



## **Managers and Supervisors are required to ensure that for workers under their control:**

- WHS policies and procedures are implemented
- Adequate information, instruction, training and supervision is provided
- All are made aware of their responsibilities to work and act safely
- Health and safety systems implementation occurs including inductions, risk assessments, inspections, reporting, hazard / near miss / incident investigations and completion of follow up actions
- Effective consultation occurs, including with Health and Safety Representatives
- Health & Safety issues beyond their control are escalated

# Penalties Available

## **Regulator and/or Magistrate:**

- Prosecution (fines, imprisonment, convictions)
- Enforceable undertakings (Model WHS Act, Part 11)
- Other sentencing options - remedial orders; adverse publicity orders; training orders; injunctions; community service orders and corporate probation.

## **WorkSafe Inspectors:**

- Improvement notices
- Prohibition notices
- Non-disturbance notices
- Infringement notices (on the spot fines)

# Maximum Penalties

Categories based on degree of 'culpability' and risk/degree of harm:



Acknowledgment: Norton Rose

# Categories of Penalties

**Category 1** - for reckless conduct that exposes an individual to a risk of death or serious injury or illness and is engaged in without reasonable excuse,

**Category 2** - failure to comply with a health and safety duty and exposing an individual to a risk of death or serious injury or illness, and

**Category 3** - failure to comply with a health and safety duty.

*Maximum penalties are set according to the category of offence committed and the type of duty holder (i.e. individual, officer or body corporate) convicted of the offence.*

**No reverse onus** - Prosecutors must prove all matters relating to non-compliance with duties of care, including whether the person conducting the business or undertaking failed to do what was 'reasonably practicable' to ensure the health and safety of workers (and, in relation to category 1 offences, whether the reckless conduct was engaged in without reasonable excuse).

# WA Adoption of WHS Harmonisation

Western Australia is expected to adopt all of the provisions of the model WHS Act and Regulations apart from 4 areas that it does not agree with since it considers these do not deliver direct improvements in safety outcomes in workplaces:

- Penalty levels
- Union right of entry
- Health and safety representatives' capacity to direct the cessation of work
- Reverse onus of proof in discrimination matters

# Establishing local health and safety committees

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- Membership of such a committee greatly assists Officers and senior managers because meetings minutes record their involvement in management of health and safety in their workplaces.
- The committee can be used to coordinate many of the implementation activities which workplaces are required to undertake such as the health and safety manual, workplace policy statement and monitoring processes.
- Creation of Faculty and School committees creates an efficient conduit for reporting, communication and information between Schools, Faculties and the central University Safety Committee.
- Representation of workers is achieved by inclusion of Health and Safety Representatives.
- A Health and Safety Representative or five or more workers may request the creation of a health and safety committee to which the workplace must respond by establishing the committee within two months of the request.
- The workplace may establish a Health and Safety Committee at any time on their own initiative.



# Pro-forma Health and Safety Manual <<< link



## GENERAL STATEMENT ON HEALTH AND SAFETY MANAGEMENT

**Title of the workplace** fully endorses the Work Health and Safety Policy of the University of Western Australia. This health and safety manual supplements the central policy to provide and maintain healthy and safe working conditions, equipment and systems of work. We shall, so far as is reasonably practicable, ensure that no persons are put at risk from activities carried out under the auspices of the University.

Allocation of resources, information, instruction, training and supervision shall be provided as necessary to achieve this.

This manual and its associated systems of work shall be kept up to date to take account of changes in local activities and to promote a process of continuous improvement and full compliance with relevant health and safety and related legislation.

Operational health and safety management shall be continually monitored and reviewed at least quarterly by a Health and Safety Committee chaired by a member of senior management.

Reporting processes shall be developed and maintained to ensure that relevant information is made available to the local Health and Safety Committee.

A copy of this statement and manual shall be made publically available via **Title of the workplace** website.

### Endorsed by:

Print Name:	Signature:	Date:
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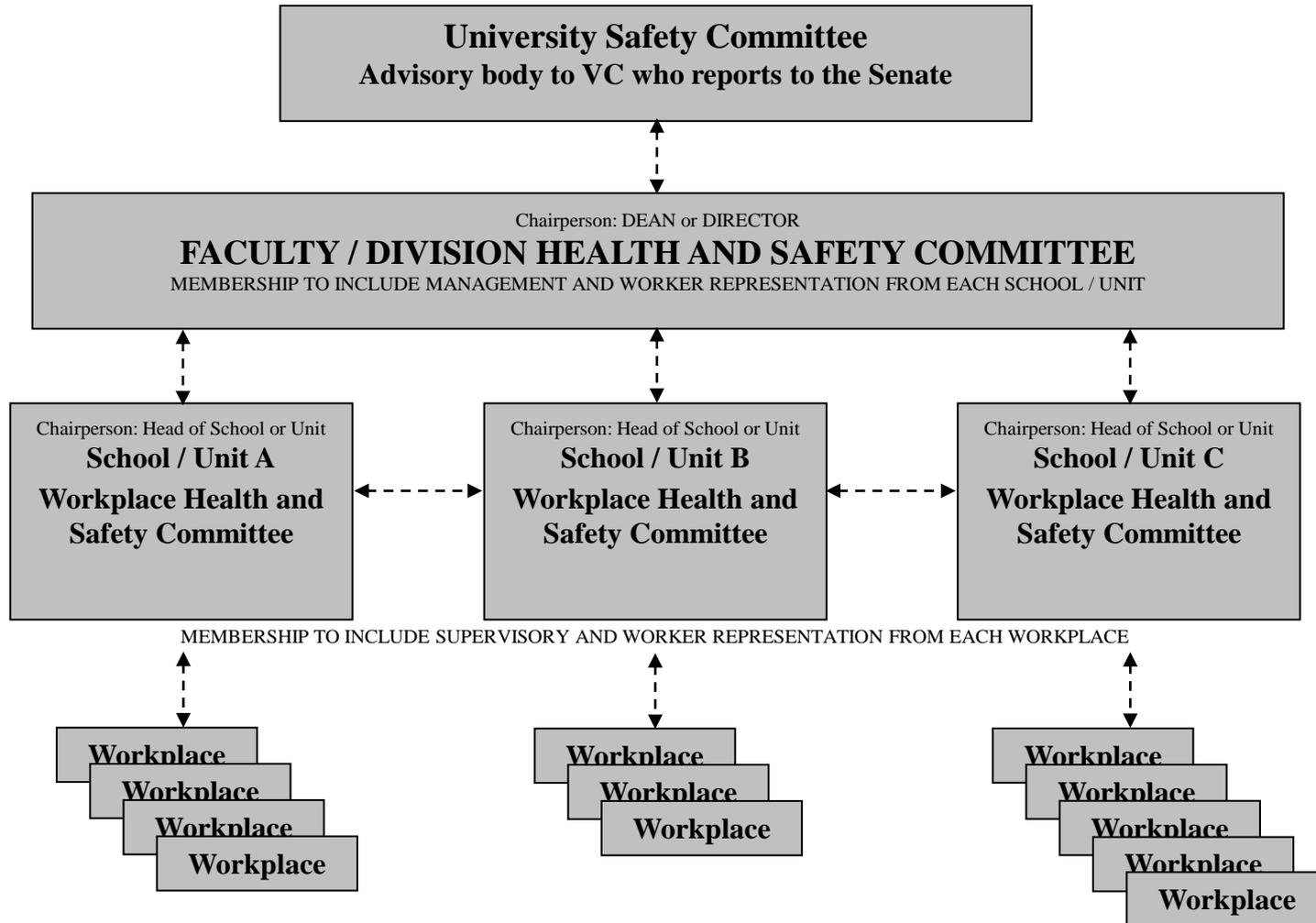
**Dean / Director**

## Workplace Monitoring <<< link

- **Workplace checklists**
  - reports outcomes to Supervisors
- **UWA Audit Program**
  - reports outcomes to Head of School or equivalent
- **UWA Safety Compliance Monitoring TRAFFIC LIGHT SYSTEM**
  - reports outcomes to the University Executive

# Typical H&S Committee hierarchy and actions to promote the UWA Safe System of Work

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# KEY ACTIONS OF SAFETY COMMITTEES TO PROMOTE THE UWA SAFE SYSTEM OF WORK:

Maintain a local safety risk register based on subset of the central [UWA Safety Risk Register](#).

Measure the degree of workplace compliance as the base line for future comparison using [workplace inspections](#) and/or [self-auditing](#). Also participate in the [UWA Internal Audit Program](#).

Assess training needs and strategy to implement the [UWA Safe System of Work](#) to achieve legal compliance.

Preside over and endorse the Local Rules section of the [Health and Safety Manual](#) for your workplace.

Feedback new items added to local safety risk register via [email to UWA Safety and Health](#).

Coordinate development of [Standard Operating Procedures \(SOPs\)](#) for hazardous equipment.

Ensures that records of worker competency are maintained and available.

Use monitoring findings to develop strategies for continual health and safety improvement