

Communication Protocols

for

Defence and Comcare

under

the OHS (CE) Act 1991

Occupational Health and Safety (Commonwealth Employment) Act 1991

Dated 2 December 2005

Version Control

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Note: Amendments will not be issued in hardcopy. The most current information is the version available on the OHSC and Comcare Website.

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Protocols overview

Aim The aim of these protocols is to define the means of communication between Comcare and Defence in relation to issues arising under the OHS (CE) Act 1991 and specifically in relation to

- investigations and inquiries, and
- the expected response by Defence to Comcare's activities under the Occupational Health and Safety (Commonwealth Employment) Act 1991 (OHS (CE) Act).

Overview Comcare has the role of regulating occupational health and safety in Defence under the OHS (CE) Act.

This necessitates the gathering of relevant information about accidents and incidents, visiting Defence sites to carry out investigations, issuing notices and the subsequent provision of reports with recommendations for OHS improvements within Defence.

Rationale The protocols have been established to enhance and formalise the procedures that will operate between Comcare and Defence in their interactions under the OHS (CE) Act.

Scope The scope of the protocols covers the situations where Comcare and Defence interact under the OHS (CE) Act. The following broad categories have been included:

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Protocols overview, Continued

Appointments and contact details

The success of the processes detailed in these protocols is largely dependent upon the formal appointment of Defence and Comcare responsibility holders and the availability of their contact details.

For routine requests for assistance the DSMA@defence.gov.au email address is available or you can call the OHSC 24hr Help Line on 1800 019 955.

Comcare officers may be contacted 24 hours on 1300 366 979

Glossary of Terms

An explanation of words and phrases used in this Communication protocol.

AC 563 The AC 563 “Defence OHS Incident Report” is used for the notification and reporting of all OHS incidents within Defence and as required by the OHS (CE) Act.

Aircraft Accident An aircraft accident is an occurrence which results in :

- death or serious personal injury to any person;
- loss of an aircraft, or an aircraft being missing or inaccessible;
- damage to or structural failure of an aircraft.

Aircraft Accident / Incident Investigation Team A team of personnel, led by a qualified air safety investigator, appointed to investigate an aircraft accident / incident in order to determine, to the best of their ability, the factors that contributed to the occurrence and make recommendations to prevent a recurrence.

Aircraft Accident Investigation Report An accident/incident report is used to provide further information about an occurrence. The report has two primary uses:

- for the provision of more detailed information, within prescribed timeframes, of an accident/incident which had previously been notified to Comcare and DSPP; and
- for reporting minor accidents/incidents through Group procedures to DSPP.

CDF Declaration In exercising his powers under section 7 of the OHS (CE) Act, the CDF has declared that references to employees in s24 – 38 of the OHS (CE) Act, inclusive will not include uniformed ADF personnel. These sections refer to HSRs, DWGs and OHS committees.

These sections, however, remain applicable to uniformed ADF personnel acting as employer representatives.

The intent of the OHS (CE) Act aspects are achievable within the ADF under the function of the military command and discipline system which reflects both the authority and the responsibility for the health and welfare of subordinates.

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Glossary of Terms, Continued

**Defence
Manager**

In the context of this protocol the term **Defence Manager** refers to any Unit or Establishment Commanding Officer or APS Manager.

**Designated
Work Group**

The **DWG** (Designated Work Group) is a group of employees established in accordance with s24 of the Act.

See note above on CDF Declaration.

**Do Not Disturb
Notice/
Direction**

During the conduct of an investigation a written ‘Do Not Disturb Notice’ may be issued by an Investigator (s45), to the person in charge of operations at the workplace, where it is necessary to:

- Remove an immediate threat to health and safety; or
- Allow inspection, examination, taking measurements, or conducting tests of any plant, substance or thing.

An Investigator may give an oral ‘Do Not Disturb’ direction to the person in charge of operations at a workplace (s45A) for a specified period up to 48 hours.

**Group Safety
Coordinator**

The **GSC** (Group Safety Coordinator) is the single point of contact for the Group with DSPP and other Groups on safety issues, as well as the principal point of contact for safety management within the Group or Service.

The role of the GSC also involves developing strategies and initiatives to ensure the Group meets its OHS commitment. The Groups appoint GSCs at various level (EL1 – APS6) and usually locate them within their HR and/or resource/corporate management functions. The GSC is responsible for the communication of OHS issues within their Group.

**Health and
Safety
Representative**

A **HSR** (Health and Safety Representative) is a person elected / selected by the members of a DWG to represent that group on OHS matters. HSRs are not Defence manager appointments.

See note above on CDF Declaration.

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Glossary of Terms, Continued

Improvement Notice

An Improvement Notice is a statutory notice (s47), issued by an investigator, requiring a person or organization to improve a workplace or system of work to bring it into compliance with the legislation. The notice has effect as soon as it is given to a person, and a time limit is included on the notice for the improvement to be completed. An Improvement Notice may be issued where an investigator is of the opinion that a person is breaching a provision of the Act or regulations and it is likely that the breach will be repeated. An Improvement Notice is used in situations which, while requiring improvement, do not warrant the additional restrictions of a Prohibition Notice. The Act provides for appeal against a notice and also provides penalties for failure to comply with a notice (s48 and part 1, Schedule 2).

Investigator

An investigator is a Comcare appointed person with an identity card authorised to carry out an investigation of an alleged breach of the OHS (CE) Act or the health and safety policies and practices of Defence. They may also investigate accidents or dangerous occurrences.

An appointed investigator may determine whether requirements of the OHS (CE) Act are met and, once appointed, has full rights of entry to Defence workplaces for the purposes of investigation. Defence managers are required to assist the investigation to the greatest extent possible and should contact their GSC or DSPP where issues that arise inhibit the conduct of the investigation.

Letter of Statutory Obligation

The Letter of Statutory Obligation is a Commission Endorsed Enforcement option.

Following an investigation, where it is considered that an employer, employer's representative or a person needs a reminder of their obligations under the Act, a Letter of Statutory Obligation may be issued by Comcare. Such a letter, while reinforcing statutory obligations under the Act, would stop short of alleging that certain provisions of the Act have been contravened.

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Glossary of Terms, Continued

Letter of Warning

The Letter of Warning is a Commission Endorsed Enforcement option.

A Letter of Warning may be issued by Comcare where a contravention of legislation has been identified and can be supported by evidence, but other enforcement action is not considered appropriate at the time. The issuing of such a letter places on record that a warning has been given. A subsequent offence by an organisation in similar circumstances would normally attract court-related action or be forwarded to the Commonwealth Director of Public Prosecutions for consideration of prosecution action.

Notice of Removal of Plant or Sample

A Notice of Removal of Plant or Sample is issued by an investigator (s44) where, in conducting an investigation, the investigator considers it necessary to:

- Take possession of plant, substance or a thing at a workplace; or
 - Take a sample of the substance or thing and remove that sample from the workplace.
-

OHS (CE) Act

Under the *Occupational Health and Safety (Commonwealth Employment) Act 1991 (the OHS (CE) Act)*, Defence has a statutory obligation to protect the health and safety of its employees.

Prohibition Notice

An investigator may issue a Prohibition Notice (s46) which prohibits an activity that the investigator believes involves, or will involve, an immediate threat to the health and safety of any person. The activity cannot be started again until the investigator notifies the employer that the investigator is satisfied that adequate action has been taken to remove the threat. The Act also provides for appeals and penalties in relation to Prohibition Notices (s48 and Part 1, Schedule 2)

DSPP Regulator Relations Role

Regulator Relations manages and fosters the strategic relationship between Defence and Comcare.

SAFETYMAN

The Defence Safety Manual, known as **SAFETYMAN**, contains policy on safety management systems and structures together with specific hazard management policy. SAFETYMAN is authorised as the primary Defence Organisation's OHS policy, it interprets applicable OHS legislation for Defence workplaces under Defence Instruction (General) Personnel 19-18. The document applies to both the Department of Defence personnel and members of the Australian Defence Force.

1. Investigators and Investigations

Who is an Investigator?

Comcare may, by instrument in writing, appoint:

- A member of the staff of Comcare; or
- A person having knowledge of, and experience in, matters relating to occupational health and safety,

as an investigator under section 40 of the Act.

How are investigators identified?

Investigators carry a Comcare issued identity card or a certificate of appointment in a prescribed form (OHS (CE) Regulations 1991 Schedule 2).

When are investigations conducted?

The Commission may, in writing, direct an investigator(who is not a member of the staff of Comcare) to conduct an investigation under section 41 of the Act:

- To ascertain whether the requirements of, or any requirements properly made under, the Act or the regulations are being complied with; or
- Concerning a breach or possible breach of the Act or the regulations; or
- Concerning an accident or dangerous occurrence that has happened in the performing of work for an employer.

Note: Comcare staff who are appointed investigators do not require a written Direction.

Who must be informed of investigation?

Before giving a direction to conduct an investigation, the Commission must inform the principle officer of the entity of:

- The fact that an investigation is to be conducted; and
 - The subject matter of the proposed investigation.
-

Who is the principle officer of the entity?

For Defence, the principle entity is the Head Defence Personnel Executive (HDPE).

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1. Investigators and Investigations, Continued

Power of Entry

In conducting an investigation, the investigator may enter, at any reasonable time during the day or night, a workplace and:

- Search the workplace; or
- Inspect, examine, take measurements of or conduct tests concerning the workplace or any plant, substance or thing at the workplace; or
- Take photographs, or make sketches, of the workplace or any plant, substance or thing at the workplace

Immediately upon entering the workplace, an investigator must take all reasonable steps to notify:

- The person who is for the time being in charge of operations at the workplace; and
- If there is a HSR for a designated work group in which there is included an employee performing, at the workplace, work to which the investigation may relate – that representative.

under section 42 of the Act.

Note: For the purpose of this requirement the person deemed to be in charge of operations at the workplace is the Defence Manager.

Safety of Investigators

s17 of the OHS (CE) Act requires:

An employer must take all reasonably practicable steps to ensure that persons at or near a workplace under the employer's control who are not the employer's employees or contractors are not exposed to risk to their health or safety arising from the conduct of the employer's undertaking.

Cognisant of the above, investigators should be escorted when entering a Defence workplace. Comcare investigators will generally comply with site security requirements.

Power to require assistance and information

S43 of the OHS(CE) Act provides for an investigator to, during an investigation, require reasonable assistance from:

- The principle officer of the entity; or
- Any person representing the principle officer of the entity; or
- Any owner or occupier of a workplace at which the investigation is being conducted; or
- Any employee or contractor;

to answer any questions put by the investigator and to give the investigator any documents requested by the investigator or copies of such documents, in connection with the conduct of an investigation.

1. Investigators and Investigations, Continued

Security

s6 of the OHS (CE) Act states:

‘Nothing in this Act requires or permits a person to take action, or to refrain from taking action, that would be, or could reasonably be expected to be, prejudicial to Australia’s national security.’

If it becomes apparent that an Investigator requires access to a secure (sensitive) area or documentation then advice from the local Security Officer is to be sought. Comcare have special arrangement in place should such a situation arise.

ADFP 06.1.4 Administrative Inquiries Manual (previously known as ADFP 202)

Provides general guidance on the methodology for the conduct of Routine Inquiries as well as the types of inquiries available under the Defence (Inquiry) Regulations 1985.

Even though ADFP 06.1.4 is an ADF document that applies to ADF members and not applicable to civilian employees, the methodology outlined in the document is sound and should be used when conducting investigations.

Power to require assistance and information

An investigator may, to the extent that is reasonably necessary to do so in connection with the conduct of an investigation, require:

- The principle officer of an Entity or the CEO of a Commonwealth Authority; or
- Any person representing a principle officer or CEO; or
- Any owner or occupier of a workplace at which the investigation is being conducted; or
- Any employee or contractor;

To give to the investigator reasonable assistance, to answer any questions put by the investigator, and to give the investigator any documents requested by the investigator or copies of such documents, in connection with the conduct of the investigation.

Please note, ADF Members, Civilian Employees and Contractors are obligated to answer questions posed by an appointed Comcare Investigator except under the grounds of a reasonable excuse such as self-incrimination.

Legislation

Administrative inquiries are conducted either under the authority of the Defence Act 1903 (s9, s9A, s124) and the Defence (Inquiry) Regulations 1985.

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1. Investigators and Investigations, Continued

Types of administrative inquiries

The types of inquiry are:

- A Routine Inquiry;
 - An Investigating Officer Inquiry under the Defence (Inquiry) Regulations;
 - A Board of Inquiry under the Defence (Inquiry) Regulations;
 - Combined Board of Inquiry under the Defence (Inquiry) Regulations, and
 - A General Court of Inquiry under the Defence (Inquiry) Regulations.
-

ADF administrative inquiry system

The ADF administrative inquiry system has four distinct parts:

- Quick Assessment;
 - Inquiry;
 - Decisions on recommendations, and
 - Implementation.
-

Requests for information

There may be occasions when Comcare seeks information from the relevant GSC that is not during the course of an investigation. To reduce any administrative burden requests for information may be considered. However, if the information sought is sensitive in nature then Comcare is to be informed that the information will only be supplied in the course of an investigation. Reports as part of a Investigation under the Defence (Inquiry) Regulations cannot be released to Comcare unless requested under section 43 of the OHS(CE) Act, as part of an official Comcare Investigation.

2. Verbal or Written Inquiries

Introduction This section refers to all occasions when Comcare contacts Defence requesting verbal or written information when no investigation authorised under s41 has commenced.

When Comcare requires clarification of information Comcare may contact the **GSC or the Defence Manager**

- to seek further information,
- to establish fact or clarify meaning as reported in an AC563, or
- as a result of a general OHS issue coming to Comcare's attention.

Protocol for verbal clarification of fact The table below indicates the approach to be followed when Comcare requires a verbal clarification of information:

When Comcare	the GSC or Defence Manager will
contacts the relevant GSC or the Defence Manager.	<ul style="list-style-type: none"> • respond to Comcare (in the agreed timeframe) and • determine who else within their Service / Group needs to be notified.

Protocol for written clarification of fact The table below indicates the approach to be followed when Comcare requires an written response for clarification of fact or for an authoritative source of information:

Comcare will	the GSC will
<ul style="list-style-type: none"> • forward the written request to the GSC, and • provide an information copy to DSPP 	<ul style="list-style-type: none"> • respond direct to Comcare (in the requested timeframe), and • provide an information copy of the response to DSPP, then • determine who within their Service / Group needs to be notified.

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2. Verbal or Written Inquiries *(continued)*

**Important
Guidelines**

If in any instance Comcare is unsure as to the ownership of any OHS issues, or where there may be multiple owners, Comcare is to contact DSPP directly.

The response time to Comcare is to be negotiated and agreed by all parties. It is acceptable to provide Comcare with a progress report, including the anticipated response time should this time limit be exceeded. Depending on the nature of the request it may be advisable to e-mail details to the responsible persons.

3. Review or Targeted Investigation

Introduction	This section refers to those investigations that are carried out as part of the Comcare planned and targeted investigation program.
<hr/>	
Targeted Investigations	Comcare conducts targeted investigations to look at particular hazard areas such as notification and reporting, manual handling, hazardous substances, plant or confined spaces where the performance of Defence in a particular area is to be assessed.
<hr/>	
Review Investigations	Comcare conducts ' review investigations ' to satisfy itself that Defence or individual workplaces have taken action to implement previous investigation recommendations.
<hr/>	
Protocol for review or targeted investigation	The table below indicates the approach to be followed when Comcare contacts Defence to undertake an investigation:

Comcare will	In Defence the
<ul style="list-style-type: none"> • send a letter to HDPE advising Defence of the intention to undertake an investigation, and • provide an information copy to DGOHSC. 	<p>DGOHSC will</p> <ul style="list-style-type: none"> • staff the investigation details to DSPP, who will begin consultation with Comcare, and • inform relevant Group Head/Service Chief/GSC.
<ul style="list-style-type: none"> • Nominate the Service /Group, and • liaise with the appropriate GSC on any specific selection of units/establishments. 	<p>GSC will</p> <ul style="list-style-type: none"> • liaise as necessary with Comcare on the specific selection of appropriate units / establishments, and • advise DSPP.

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3. Review or Targeted Investigation, Continued

Comcare will	In Defence the
<ul style="list-style-type: none"> • send the details and plans of the investigation to the relevant Defence Manager; and • provide an information copy to: <ul style="list-style-type: none"> - the GSC; and - DSPP. 	<p>Group Head / Service Chief / GSC</p> <ul style="list-style-type: none"> • will notify the Defence Manager of the planned investigation program.
<p>conduct the investigation.</p>	<p>Defence Manager will cooperate and assist Comcare:</p> <ul style="list-style-type: none"> • arranging access to workplaces, • points of contact, • timings, and • inform the unit/establishment.

**SAFETYMAN
reference**

For further information on Comcare investigations refer to *SAFETYMAN Vol 1 Part 1 Ch 12*

4. Reactive Investigations

Introduction This section refers to those investigations that may be carried out by Comcare in relation to:

- accidents or dangerous occurrences;
- any death where that death arose out of an undertaking of Defence;
- OHS complaints from Defence employees, contractors, unions, or members of the public; or
- ascertain if there has been a contravention of the OHS (CE) Act.

Pursuant to Reg 23 Defence (Inquiry) Regulations, a Board of Inquiry (BOI) may also be convened in respect of these matters.

Mandatory Comcare investigations It is mandatory for Comcare to carry out an investigation in relation to:

- disputed provisional improvement notices (PIN) issued by Health and Safety Representatives (HSR). [s29(8)]; or
- disputed directions to cease work given by a HSR. [s37(4)]

Important Guideline If in any instance Comcare is unsure as to the ownership of the OHS issues, or where there may be multiple stakeholders, Comcare is to contact DSPP directly.

Protocol for reactive investigation The table below indicates the approach to be followed when Comcare contacts Defence to undertake an investigation:

Comcare will	In Defence the
<ul style="list-style-type: none"> • make an initial telephone call or send an e-mail to the GSC and the Defence Manager about intention to conduct an investigation; <li style="text-align: center;">and • inform DSPP 	<p style="text-align: center;">.</p> <hr style="border-top: 1px dashed black;"/> <p>GSC will:</p> <ul style="list-style-type: none"> • notify Group Head/Service Chief of investigation requirements; • confirm the requirement to cooperate and assist Comcare; <li style="text-align: center;">and • arrange access to workplaces and points of contact, as necessary.

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4. Reactive Investigations, Continued

Comcare will ...	In Defence the
<ul style="list-style-type: none"> • nominate an investigator(s) to carry out the investigation and • provide a copy of the 'Direction to Investigate' to the GSC and DSPP if issued. 	<p>DSPP will notify as appropriate</p> <ul style="list-style-type: none"> • SEC/CDF (employer), • VCDF (SRCC Commissioner) and/or • HDPE (OHS policy adviser to DC).
<p>The investigator:</p> <ul style="list-style-type: none"> • Formally contacts the Defence Manager; <p><i>A Comcare investigator has powers of entry (under s42).</i></p>	<p>Defence Manager will</p> <ul style="list-style-type: none"> • cooperate and assist Comcare, arranging access to workplaces, point of contact, timings, and informing the unit/establishment.
	<p>The GSC, in conjunction with Comcare may identify a person to act as a Liaison Officer. The Liaison Officer is to provide assistance to the investigator if required.</p> <p>Note: The absence of a Liaison Officer cannot be used to delay an investigation.</p>
<p>An investigator may request assistance and information (under s43) from:</p> <ul style="list-style-type: none"> • the Defence Manager; • the responsible person in control of the work place; • any employee or contractor, or • the GSC for Group/Service based information. 	<p>The GSC, in conjunction with the Defence Manager or the responsible person in control of the workplace / activity will provide to the investigator information as requested and required (s43).</p> <p>GSC will:</p> <ul style="list-style-type: none"> • provide to the investigator information as requested and required under s43; and • provide DSPP with copies of any information provided to Comcare.
<p>The investigator conducts the investigation.</p>	

**SAFETYMAN
reference**

For further information on Comcare access to Defence premises and the powers of entry by Comcare appointed investigators – refer to *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12.*

5. Comcare Investigation Reports

Introduction	This section refers to those reports provided to Defence by Comcare following any formal investigation.
Report features	<p>Following the conduct of an investigation, Comcare will forward a draft report to the employer and provide an opportunity for the employer to correct any factual errors. Any comments by the employer are taken into account and a final report is then forwarded to the employer by Comcare, on the Commission's behalf. The employer is required to provide particulars of any action that is proposed to be taken as a result of the conclusions or recommendations contained in that report, as well as any action that has been or that is proposed to be taken in relation to any notices issued.</p> <p>Dependent upon the findings the reports may be accompanied by a notice (as detailed in subsequent protocols).</p> <p>Extra electronic copies of the report (pdf version) without attachments are available to the responsible Groups / Services on request from DSPP.</p>
Legislative requirements	There is a legislative requirement for these reports to be sent to HDPE, as the CDF/SEC's appointed delegate for OHS purposes.
Important Guideline	If in any instance Comcare is unsure as to the ownership of the OHS issues, or where there may be multiple stakeholders, Comcare is to contact DSPP directly.
Privacy/ Sensitivity Issues with reports	Final reports are forwarded to the principal officer of the entity (HDPE) for dissemination. The relevant organisation will receive this final report in its entirety. However, in some cases, other Defence organisations may have a vested interest in the report findings. Before publication of this report is passed to other Defence organisations the relevant GSC is to ensure any privacy/sensitivity issues with the report are addressed. This may entail the removal of personal details that do not add value to the findings of the report.

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5. Comcare Investigation Reports, Continued

Protocol for investigation reports

The table below indicates the approach to be followed when Comcare forwards Defence a report following any investigation:

Comcare will	In Defence the
<ul style="list-style-type: none"> forward a copy of the draft report to the relevant Defence Manager; or the responsible person in control of the workplace for comment on errors of fact or omissions, and a copy to the relevant GSC. forward the final report to HDPE; 	<p>relevant Defence Manager; or the responsible person in control of the workplace will respond to the investigator with comments on errors of fact or omissions within the agreed timeframe.</p> <p>HDPE will note and forward the report to DGOHSC.</p>

Comcare will	In Defence the
<ul style="list-style-type: none"> Provide an information copy to the relevant Defence Manager; or the responsible person in control of the workplace /activity; and Provide an electronic information copy to the relevant GSC and DSPP. Evaluate the action plans and consider any need for a review. 	<p>DGOHSC will forward the Comcare report to the relevant Group Head / Service Chief, requesting an action plan.</p> <p>Group Head/Service Chief will ensure that:</p> <ul style="list-style-type: none"> a response and an action plan is provided to Comcare¹; and an information copy is forwarded to DGOHSC. <p>Group Head / Service Chief will ensure that:</p> <ul style="list-style-type: none"> the action plan is implemented, and the broader systemic issues for the Group/ Service are evaluated and rectified.

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¹ Where multiple stakeholders are responsible for an action plan then the relevant GSC's are to formally respond to DGOHSC. Regulator Relations in consultation with the GSC's will provide a consolidated response to Comcare.

5. Comcare Investigation Reports, Continued

Comcare will	In Defence the
<ul style="list-style-type: none"> • Monitor implementation activities. • Formally advise the GSC and DSPP (electronically) when the implementation of the corrective action that resulted from a planned, targeted or reactive investigation has been fully implemented so the investigation can be recorded as closed. 	<p>Defence Manager will monitor and review effectiveness of actions implemented.</p> <hr style="border-top: 1px dashed black;"/> <p>Group Head / Service Chief will ensure the monitoring of the implementation of the action plan to address the notified deficiencies within any specified timeframes.</p> <hr style="border-top: 1px dashed black;"/> <p>DSPP will:</p> <ul style="list-style-type: none"> • evaluate any Defence wide systemic issues; • implement relevant organisational level action; • monitor any corrective action as necessary. <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • Update DSPP records and ensure the GSC is aware of the investigation closure.
<p>Follow the same protocols as those observed for planned or targeted investigations when reviewing the implementation of recommendations from an earlier investigation.</p>	

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6. Do Not Disturb Notices

Introduction This section refers to specific types of notices issued to Defence by an investigator during an investigation. The **Do Not Disturb Notice** requires that a particular workplace, plant, substance or thing is not disturbed for a specified period.

Rationale This notice issued under section 45 of the OHS (CE) Act, and remains in force until an OHS threat can be removed or the workplace, plant, substance or thing is inspected, examined, measured or tested.

An investigator may also orally direct that a workplace not be disturbed for a period up to 48 hours (s45A).

Legislative requirement This notice is issued under section 45 of the OHS (CE) Act.

Protocol for Do Not Disturb Notice The table below indicates the approach to be followed when Comcare issues Defence with a Do Not Disturb notice during any investigation:

The investigator will	In Defence the
provide written notification together with reasons, <ul style="list-style-type: none"> • to the responsible person in control of the workplace / activity; and • to the HSR. 	Responsible person in control of the workplace / activity will: <ul style="list-style-type: none"> • ensure that the workplace or the specified piece of equipment or substance is NOT disturbed; and • display the notice in a prominent and relevant part of the workplace.
For any such notice, the investigator will ensure that: <ul style="list-style-type: none"> • any inspection or testing is conducted as soon as reasonably practicable; and • as Do Not Disturb Notices have a set period of enforcement no notice of removal will be issued.. 	In the event that the investigator makes recommendations, or sets requirements, based on the investigation: <ul style="list-style-type: none"> • the Defence Manager or • the responsible person in control of the workplace/ activity will implement these recommendations.

SAFETYMAN Reference For further information on the powers of an investigator to direct that a workplace not be disturbed, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*

For further information on displaying notices in the workplace, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*

7. Removal of Plant or Substance Notices

Introduction This section refers to specific types of notices issued to Defence by an investigator during an investigation. The **Removal of Plant or Substance Notice** enables the investigator to take possession of property or samples.

Rationale This notice is issued under section 44 of the OHS (CE) Act, enables the investigator to take and remove any plant, substance, samples or thing from the workplace for further inspection, examination, measuring or testing.

Legislative requirement This notice is issued under section 44 of the OHS (CE) Act.

Protocol for removal of plant or substance notice The table below indicates the approach to be followed when Comcare issues Defence with a Removal of Plant or Substance notice during an investigation:

If an **investigator** removes any sample or property:

the investigator will	In Defence the
provide written notification together with reasons for the removal, to <ul style="list-style-type: none"> • the relevant Defence Manager; or • the responsible person in control of the workplace/activity; and <ul style="list-style-type: none"> • the HSR. 	Defence Manager will: <ul style="list-style-type: none"> • display the notice in a prominent part of the workplace, and <ul style="list-style-type: none"> • inform DSPP. • inform the GSC.
For any removed sample or property, the investigator will ensure that: <ul style="list-style-type: none"> • any inspection or testing is conducted as soon as reasonably practicable; • the sample or property is returned to the workplace; and <ul style="list-style-type: none"> • a written statement setting out results of inspection or testing is provided. 	In the event that the investigator makes recommendations, or sets requirements, based on the investigation <ul style="list-style-type: none"> • the Defence Manager or • the responsible person in control of the workplace/ activity will implement these recommendations.

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7. Removal of Plant or Substance Notices, Continued

SAFETYMAN Reference For further information on the powers of the investigator to take possession of plant, sample or substance, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*.

For further information on displaying notices in the workplace, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*.

8. Prohibition notices

Introduction This section refers to specific types of notices issued to Defence by an investigator as a result of an investigation. The **Prohibition Notice** prevents an activity from being carried out due to the immediate risk to the health or safety of a person.

Prohibition means If a Prohibition Notice has been issued, the activity cannot be resumed until the investigator provides notification to the workplace that they are satisfied that adequate action has been taken to remove the risk.

Legislative requirements There is a legislative requirement for this notice to be issued to SEC/CDF, as the employer, and forwarded through HDPE as the appointed delegate for OHS purposes, in addition to being issued to the relevant Defence Manager.

The prohibition notice is issued under section 46 of the OHS (CE) Act.

Important guideline Comcare may discuss proposed **Prohibition Notices** with the Defence Manager; GSC or Group Head / Service Chief.

If in any instance Comcare, or any other stakeholder, is unsure as to the ownership of the OHS issues, or where there may be multiple owners, Comcare is to contact DSPP directly.

Protocol for prohibition notices The table below indicates the approach to be followed when Comcare issues Defence with a **Prohibition Notice** as a result of an investigation:

Comcare/Investigator will	In Defence the
<ul style="list-style-type: none"> • forward the original Prohibition Notice to the relevant Defence Manager. 	<p>Defence Manager will:</p> <ul style="list-style-type: none"> • display the Prohibition Notice in a prominent area in the workplace; • provide a copy to the appropriate HSR(s), <p>and</p> <ul style="list-style-type: none"> • ensure that the activity is not continued.

Continued on next page

8. Prohibition notices, Continued

Comcare/Investigator will:	In Defence the
<ul style="list-style-type: none"> • forward a copy of the prohibition notice to: • HDPE; • DGOHSC; and • the relevant GSC. 	<p>HDPE will:</p> <ul style="list-style-type: none"> • note any employer action requirements; and • forward the notice to DGOHSC. <hr style="border-top: 1px dashed black;"/> <p>DGOHSC will forward the notice, along with a request for specified corrective action to relevant Group Head/Service Chief.</p> <hr style="border-top: 1px dashed black;"/> <p>Group Head / Service Chief will:</p> <ul style="list-style-type: none"> • monitor compliance with the prohibition notice. • ensure the development of an appropriate action plan; • designate a responsible person to ensure the prohibition notice has been complied with and adequate action taken to remove the threat to health and safety; • ensure that a similar incident does not occur on another site; and • forward the action plan to Comcare, through DSPP where multiple Group(s)/ Service(s) are involved, otherwise send an information copy to DSPP. <hr style="border-top: 1px dashed black;"/> <p>DSPP will coordinate any formal Defence replies to Comcare, where multiple Groups/Services are involved.</p>
<p>Comcare will evaluate action plans and consider need for review.</p>	<p>Group Head / Service Chief will ensure that</p> <ul style="list-style-type: none"> • the action plan is implemented within any specified timeframes; and • the broader systemic issues for the Group/ Service are evaluated and rectified.

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8. Prohibition notices, Continued

Comcare/Investigator will:	In Defence the
<p data-bbox="395 360 730 427">Comcare will monitor implementation activities.</p> <p data-bbox="395 479 847 618">A prohibition notice will be withdrawn when the investigator is satisfied that corrective action has been implemented.</p> <p data-bbox="395 882 863 1095">Following the satisfactory implementation of corrective action resulting from a Prohibition Notice, Comcare will provide formal advice to DSPP and the GSC of the withdrawal of the Notice</p>	<p data-bbox="901 360 1369 465">Defence Manager will monitor and review effectiveness of actions implemented.</p> <p data-bbox="901 488 1369 898">DSPP will:</p> <ul style="list-style-type: none"> <li data-bbox="901 528 1289 595">• evaluate any Defence wide systemic issues; <li data-bbox="901 607 1289 712">• implement any relevant organisational level action; and <li data-bbox="901 723 1358 790">• monitor any corrective action as necessary. <li data-bbox="901 801 1369 898">• Update DSPP records and ensure the GSC is aware of the Prohibition Notice status.

SAFETYMAN Reference

For further information on prohibition notices, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*.

For further information on displaying notices in the workplace, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*.

9. Improvement Notices

Introduction This section refers to notices issued to Defence by an investigator as a result of an investigation. The **Improvement Notice** requires a Defence Manager, or Defence in the case of multiple owners, to improve a workplace or system of work to bring it into compliance with the OHS (CE) Act. There is a specified timeframe within which this compliance needs to be achieved.

Legislative requirements The improvement notice is issued under section 47 of the OHS (CE) Act. There is a legislative requirement for this notice to be issued to SEC/CDF, as the employer, and forwarded through HDPE, as the appointed delegate for OHS purposes. The notice will also be issued to the relevant Defence Manager.

Important guideline Comcare may discuss proposed **Improvement Notices** with the Defence Manager prior to their issue in an effort to resolve the situation at the lowest level.

If in any instance Comcare, or any other stakeholder, is unsure as to the ownership of the OHS issues, or where there may be multiple owners, Comcare is to contact DSPP directly.

Protocol for improvement notices The table below indicates the approach to be followed when Comcare issues Defence with an Improvement Notice as a result of an investigation:

Comcare/Investigator will:	In Defence the
<ul style="list-style-type: none"> • forward the original improvement notice to HDPE, 	<p>HDPE will:</p> <ul style="list-style-type: none"> • note any employer action; and • forward the notice to DGOHSC. <p>DGOHSC will forward the notice, along with a request for specified corrective action to the relevant Group Head / Service Chief.</p>
<ul style="list-style-type: none"> • forward a copy of the improvement notice to the: <ul style="list-style-type: none"> • Defence Manager; and • relevant GSC. 	<p>Defence Manager will:</p> <ul style="list-style-type: none"> • display the Improvement Notice in a prominent area in the workplace. <p>and</p> <ul style="list-style-type: none"> • provide a copy to the appropriate HSR(s).

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9. Improvement Notices, Continued

Comcare/Investigator will:	In Defence the
	<p>Group Head / Service Chief will</p> <ul style="list-style-type: none"> • ensure the development of an appropriate action plan to meet the requirements of the notice; • designate a responsible person to ensure the improvement notice has been complied with, documentary evidence prepared and the improvement notice signed off; <p>and</p> <ul style="list-style-type: none"> • forward the documentary evidence to Comcare, through DSPP where multiple Group/Service are involved, otherwise send an information copy to DSPP. <hr style="border-top: 1px dashed black;"/> <p>DSPP will coordinate any formal Defence replies to Comcare, where multiple Groups/Services are involved.</p>
<p>Evaluate action plans and consider need for review.</p>	<p>Group Head / Service Chief will ensure that:</p> <ul style="list-style-type: none"> • the action plan is implemented within any specified timeframes, <p>and</p> <ul style="list-style-type: none"> • the broader systemic issues for the Group/ Service are evaluated and rectified.
<p>Monitor implementation activities.</p>	<p>Defence Manager will monitor and review effectiveness of actions implemented.</p> <hr style="border-top: 1px dashed black;"/> <p>DSPP will:</p> <ul style="list-style-type: none"> • evaluate any Defence wide systemic issues, • implement any relevant organisational level action; <p>and</p> <ul style="list-style-type: none"> • monitor any corrective action as necessary.

Continued on next page

9. Improvement Notices, Continued

Comcare/Investigator will:	In Defence the
Following the satisfactory implementation of corrective action resulting from a Prohibition Notice, Comcare will provide formal advice to DSPP and the GSC of the withdrawal of the Notice	<ul style="list-style-type: none"> • Update DSPP records and ensure the GSC is aware of the Improvement Notice status.

SAFETYMAN Reference For further information on improvement notices, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*.

For further information on displaying notices in the workplace, see *SAFETYMAN Vol 1 Annex A to Part 1 Ch 12*.

10. AC 563 - Defence OHS Incident Report

Introduction This section refers to the **Form AC 563 – Defence OHS Incident Report**. This form is the primary notification and reporting form for all OHS incidents in Defence, and is to be used by all Defence employees (ADF, Civilian and Reservists) as well as ADF Cadets, contractors and visitors.

Legislative requirements The OHS (CE) Act requires employers to report and record data on all work related incidents.

Mandatory Comcare reporting requirements The OHS legislation requires that the following work related notifiable incidents are reported to Comcare

- fatality;
- serious personal injury;
- incapacity (time off work for 30 days or more);
- dangerous occurrence.

There are prescribed time frames for reporting to Comcare:

- fatalities (within 2 hrs by phone); and
- other notifiable incidents (within 24 hrs).

NB. Only Part One of the AC 563 is required to be forwarded to Comcare. Part Two may be requested in the course of an investigation.

Exception for Comcare reporting The requirement to notify Comcare does not apply for ADF members who are involved in the following situations:

- ADF operational deployments, or those operations where ADF members are exposed to injury through combat, or the likelihood of combat eg, Gulf Conflict;
- ADF deployments in support of the United Nations; or
- organised ADF sporting activities, (physical training is not exempt and should be reported).

Continued on next page

10. AC 563 - Defence OHS Incident Report, Continued

Protocol for Incident Reports

The table below indicates the approach to be followed when completing an incident report:

Comcare	In Defence the
<p>Depending on the nature of a notifiable incident reported, Comcare may take one or more of the following actions:</p> <ul style="list-style-type: none"> • make <ul style="list-style-type: none"> - verbal inquiries, or - written inquiries (as per protocol 2 above); <p>and/or</p> <ul style="list-style-type: none"> • undertake a investigation (protocol 5 below), <p>which may be followed by:</p> <ul style="list-style-type: none"> • the issuing of one or more of the following notices: <ul style="list-style-type: none"> - Do Not Disturb Notice, - Removal of Plant or Substance Notice, - Improvement Notice - Prohibition Notice - Letter of Statutory Obligation, - Letter of Warning <p>and/or</p> <ul style="list-style-type: none"> • an investigation report. 	<p>Defence Manager will ensure that:</p> <ul style="list-style-type: none"> • all work related incidents and accidents are reported to DSPP using the AC563 form; • internal Group / Service notification requirements are met; • Comcare is advised of <ul style="list-style-type: none"> - a fatality, by phone within 2 hrs (1300 366 979), or - a notifiable incident within 24 hrs. • any need for Unit/Establishment level investigation (formal/informal) is determined; <p>and</p> <ul style="list-style-type: none"> • the systemic impact of the reported incident is evaluated. <hr style="border-top: 1px dashed black;"/> <p>GSC will evaluate systemic impact in Group/ Service by reviewing incidents summary reports from Comcare and DSPP.</p>

Requirements for reporting to DSPP

There are a number of additional requirements for reporting to DSPP. These are detailed in the instructions contained on the OHSC web page for completing an AC 563. See [//ohsc.defence.gov.au/](http://ohsc.defence.gov.au/) or <http://www.defence.gov.au/dpe/ohsc/> for further details.

SAFETYMAN Reference

For further information on incident reporting in Defence, see *SAFETYMAN Vol 1, Part 1 Ch 9*.

11. Aircraft Accident / Incident Investigation

Introduction This section refers to aircraft accident / serious incident investigations that are undertaken by Defence, using the specialist expertise in the Directorate of Flying Safety – Australian Defence Force (DFS-ADF), where a Board of Inquiry (BOI) is not appointed as a result of the accident/serious incident.

Aircraft Accident / Incident Investigation An **Aircraft Accident / Incident Investigation** is instigated on every occasion following an accident, and on some occasions following a Serious Incident involving Defence aircraft. The Aircraft Accident / Incident Investigation Team is established to determine the facts and circumstances surrounding an Aircraft Accident or Serious Incident so that an informed decision may be taken about the safety action required including, where appropriate, action to avoid a recurrence. DFS-ADF Accident/Incident Investigations are **safety** investigations and **will not** address issues of fault, accountability or blame.

OHS matters in Aircraft Accident / Incident Investigation Where an aircraft accident / incident investigation relates to OHS matters, in particular fatalities, serious personal injuries, incapacity or dangerous occurrences, Comcare will undertake their own investigations under Section 41 of the OHS (CE) Act.

However, where matters considered by an Aircraft Accident / Incident Investigation are matters that Comcare would also investigate, Comcare will not conduct a parallel investigation but will await the findings of the Aircraft Accident / Incident Investigation before completing its investigation. For aircraft accidents involving fatalities, the aircraft accident investigation will precede, and will report to, a Board of Inquiry.

Comcare involvement in Aircraft Accident / Incident Investigation (No BOI) Chief of Air Force has agreed that in the interest of ensuring investigations are not duplicated that for Aircraft Accident/Incident Investigations where no BOI is appointed, Comcare, in a timely manner, be provided with:

- a copy of the 30 day factual report;
- a copy of the de-identified report;
- a copy of the Implementation Plan; and
- a copy of any ongoing progress reports.

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11. Aircraft Accident / Incident Investigation, Continued

Comcare request for Aircraft Accident / Incident Investigation reports

Comcare will only request Aircraft Accident / Incident Investigation reports necessary for the purposes of their investigations under s 41 of the OHS (CE) Act.

Investigation requests for Aircraft Accident / Incident Investigation reports will be forwarded through a single senior point of contact from Comcare.

Protocol for releasing a Aircraft Accident / Incident Investigation report to Comcare (No BOI)

The table below indicates the approach to be followed when Comcare requests access to a Aircraft Accident / Incident Investigation reports:

Comcare	In Defence the
<p>For access to the Aircraft Accident / Incident Investigation report, Comcare (General Manager, OHS (CE) Act Policy and Support) will:</p> <ul style="list-style-type: none"> • forward a request to DFS-ADF for the Aircraft Accident / Incident Investigation report, under s43 of the OHS(CE) Act 1991; and • provide an information copy of the request to HDPE and DGOHSC. 	<p>DFS-ADF will liaise with the Aircraft Accident/Incident Investigation Appointing Authority regarding forwarding the following to Comcare:</p> <ul style="list-style-type: none"> • a copy of the 30 day factual report; • a copy of the de-identified report; • a copy of the Implementation Plan; and • a copy of any ongoing progress reports. <hr style="border-top: 1px dashed black;"/> <p>Appointing Authority staff will forward the 30-day factual report, the de-identified Aircraft Accident / Incident Investigation Report and the Implementation Plan to General Manager, OHS (CE) Act Policy and Support, Comcare</p>

Reference

For the communication protocols to be followed if a BOI is appointed into an aircraft accident see section 12. For further information on the investigations and inquiries into aircraft accidents, see *SAFETYMAN Vol 3 Part 1 Ch 11*.

12. Defence Board of Inquiry

Introduction This section refers to Board of Inquiry investigations that are undertaken by Defence.

Board of Inquiry A **Board of Inquiry** may be established to determine the facts and circumstances surrounding an incident or situation so that an informed decision may be taken about the action required including, where appropriate, action to avoid a recurrence. Terms of References (TOR) of BOIs may relate to OHS matters.

OHS matters in BOIs Where a BOI relates to OHS matters, in particular fatalities, serious personal injuries, incapacity or dangerous occurrences, Comcare will undertake their own investigations under section 41 of the OHS (CE) Act.

However, where matters considered by a BOI are matters that Comcare would also investigate, Comcare may not conduct a parallel investigation but will await the findings of the BOI before completing its investigation.

Comcare involvement in BOIs CDF, Sec and Service Chiefs have agreed that in the interest of ensuring investigations are not duplicated that Comcare be:

- advised of the intention to form a BOI for OHS related inquiries;
- provided an opportunity for input into the TOR; and
- invited to participate in inquiry hearings, where appropriate.

Continued on next page

12. Defence Board of Inquiry, Continued

Protocol for convening a BOI

The table below indicates the approach to be followed when a BOI is convened to investigate OHS matters.

Comcare	In Defence the
<p>Where Comcare determines that it will investigate a notifiable incident that may be the subject of a BOI, Comcare will write to HDPE to establish whether a BOI is to be convened.</p>	<p>HDPE will forward Comcare’s request to the BOI Appointing Authority to liaise with Comcare for the BOI TOR preparation.</p> <hr style="border-top: 1px dashed black;"/> <p>The Appointing Authority directs the Chairperson of the BOI to consult with Comcare.</p>
<p>Comcare, where necessary, will provide input into the TOR for the BOI.</p>	<p>Chairperson of the BOI will contact the General Manager, OHS (CE) Act Policy and Support, at Comcare:</p> <ul style="list-style-type: none"> • to advise of the existence of BOI investigation; • to provide Comcare with an opportunity for input into the TOR; • to advise Comcare of those TOR not being accepted; • to invite Comcare to participate in the inquiry; where appropriate; <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • to advise DSPP of arrangements with Comcare.

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12. Defence Board of Inquiry, Continued

Comcare request for BOI reports

Comcare will only request BOI reports necessary for the purposes of their investigations under s 41 of the OHS(CE) Act.

Investigation requests for BOI reports will be forwarded through a single senior point of contact from Comcare.

Protocol for releasing a BOI report to Comcare

The table below indicates the approach to be followed when Comcare requests access to a BOI report:

Comcare	In Defence the
<p>For access to the BOI report, Comcare (General Manager, OHS (CE) Act Policy and Support) will:</p> <ul style="list-style-type: none"> • forward a request to HDPE for the BOI report, under s43 of the OHS(CE) Act 1991; <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • provide an information copy of the request to DGOHSC. 	<p>HDPE will:</p> <ul style="list-style-type: none"> • request from the investigating Service a finalised BOI report and forward this to Comcare, • arrange for the Minister to be informed; <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • liaise with Service Chief of the BOI. <hr style="border-top: 1px dashed black;"/> <p>Service Chief will forward the BOI report to General Manager, OHS (CE) Act Policy and Support, Comcare</p>

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12. Defence Board of Inquiry, Continued

**Agreed
Defence/
Comcare
position with
regard to
release of BOI
reports**

As advised to Comcare vide minute 2002/1778/1 OHSC 102/03 dated 5 June 2003:

For the purposes of an investigation under s43 of the OHS(CE) Act, Comcare is entitled to have access to BOI reports and regulation 63 of the Defence (Inquiry) Regulations 1985 provisions, requiring Ministerial approval to release such reports, does not apply. However it is prudent for the Minister for Defence to be advised of the release of a BOI report in every case.

Given the sensitive nature of BOIs, the following are the agreed arrangements.

- That Comcare will only request BOI reports necessary for the purpose of investigations held under the power of the OHS(CE) Act and that BOI reports will be secured and used only for the purpose of investigations by duly appointed and security cleared investigators.
- In particular, that where matters considered by a BOI are matters which Comcare would also investigate, Comcare generally will not conduct a parallel investigation but await the findings of the BOI before completing its investigation.
- That if Comcare receives Freedom of Information requests for information from a BOI report, information will not be released. The request will be referred to Defence for consideration under the Defence Freedom of Information procedures and policies.
- That investigation requests for BOI reports are forwarded through a single senior point of contact at Comcare to Head Defence Personnel Executive (with a copy to Director General Occupational Health Safety and Compensation) who will request the report from the investigating service and arrange for the Minister to be informed. Such details will provide details of the reasons why Comcare needs to access the report.

Reference

For further information on the Board of Inquiry / Internal Investigations, see *SAFETYMAN Vol 1 Annex C to Part 1 Ch 12*

For further information on the Appointment of Boards for Boards of Inquiry see the *Defence (Inquiry) Regulations 1985, Regulation 23*.

13. Health and Safety Representative Investigations

Introduction This section refers to those investigations undertaken by a **Health and Safety Representative** (HSR) in response to a threat to health and safety within their area of responsibility.

Breaches of the OHS (CE) Act A breach of the OHS (CE) Act may occur where a situation in the workplace exists, or may arise where the safety and/or health of an employee, contractor or a visitor to the workplace are put at risk.

Issuing a Provisional Improvement Notice If a HSR is advised of, or identifies, a breach of the OHS (CE) Act or regulation and consultation with the supervisor/manager does not resolve the issue, the HSR may issue a Provisional Improvement Notice (PIN) under s29 of the Act.

Provisional Improvement Notice A PIN specifies:

- the nature of the breach;
- the reasons for the breach; and
- a time frame by which the breach must be fixed (not less than 7 days after day of issue of the PIN).

Resolving the breach means the PIN is no longer effective.

Consultative arrangements under the OHS(CE) Act The OHS (CE) Act, sections 24 - 38, identifies the consultative mechanisms that are required to be implemented. The consultative arrangements include the:

- setting up of DWGs;
- selections / election of HSR; and
- setting up of workplace health and safety committees.

CDF Declaration In exercising his powers under s7 of the OHS (CE) Act, the CDF has declared that references to employees in s24 – 38 of the OHS Act inclusive, will not include uniformed ADF personnel. ADF personnel cannot be members of a DWG nor be selected / elected as HSRs.

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13. Health and Safety Representative Investigations, Continued

Employer Responsibilities References to employers apply to the ADF. Commanders who are in positions of management and those supervising Defence Civilian employees have duties in relation to the:

- setting up of DWGs;
- election of HSRs; and
- setting up of workplace health and safety committees.

Consultative processes Defence policy expects that **all** Defence employees shall be involved in the consultation processes at the workplace to help reduce hazards and resolve safety issues.

Protocol for HSRs The table below indicates the approach to be followed when a HSR identifies a breach of the OHS (CE) Act.

In Defence the
<p>HSR will:</p> <ul style="list-style-type: none"> • identify any breach of the OHS(CE) Act or regulation; and then • consult with the relevant Unit/Establishment Commanding Officer / APS Manager in an attempt to reach agreement on fixing the breach.
<p>Defence Manager will consult with the HSR about methods for resolving the breach.</p>
<p>If agreement on resolving the breach cannot be reached within a reasonable time, then the HSR may issue a PIN to the Defence Manager.</p>
<p>If a PIN is issued, Defence Manager will:</p> <ul style="list-style-type: none"> • comply with the PIN, • notify the affected employees of the PIN, • display the PIN until issue is resolved and PIN ceases to have effect, and • inform the HSR of the action taken to comply with the PIN.
<p>If agreement on resolving the issues of the PIN cannot be reached Comcare can be contacted by the Defence Manager (within 7 days) or if after the period on the PIN has expired and in the HSR's opinion the PIN has not been complied with, the HSR may request an investigation.</p> <p>Defence Manager or the HSR will</p> <ul style="list-style-type: none"> • inform the GSC of the request to Comcare to conduct an investigation, and • inform DSPP that this action has been undertaken.

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13. Health and Safety Representative Investigations, Continued

In Defence the
<p>GSC will:</p> <ul style="list-style-type: none"> • request that Comcare conduct an investigation, and • inform DSPP that this action has been undertaken.
<p>Comcare conducts an investigation as soon as possible after the request has been made.</p> <p>(Investigation will be undertaken under s29 of the Act and in accordance with Reactive Investigation Protocols as above.)</p>
<p>The investigator may:</p> <ul style="list-style-type: none"> • vary or confirm the PIN and issue an improvement notice, or • cancel the PIN.

**SAFETYMAN
reference**

For further information on the) Health and Safety Representative, see *SAFETYMAN Vol 1 Part 1 Ch 4A-5*.

14. Forums and meetings

Introduction This section refers to occasions when Defence and Comcare meet to discuss those issues specifically resulting from investigations undertaken by Comcare.

Scope This protocol is intended to cover those meetings where the content refers specifically to issues arising from:

- investigations – planned, targeted or reactive; and
- investigation reports and notices that may have been issued to Defence.

Meeting Stakeholders Stakeholders at any arranged meeting or forum will depend on the issues to be discussed and may include, but not be restricted to:

- CEO/ General Manager of Comcare with HDPE / VCDF;
- Comcare representatives with DSPP personnel/DGOHSC;
- Comcare initiated meetings with Groups and/or Services; or
- Groups and/or Services initiated meetings with Comcare or their representative (eg. appointed investigators).

Important guideline It is important for consistency of application that other parts of the Defence organisation are informed.

DSPP should be contacted and involved in discussions for those issues:

- which involve more than one Group or Service, or
 - where confusion or doubt exists as to the ownership of the issues.
-

Protocol for forums and meetings The table below indicates the approach to be followed when Comcare needs to liaise directly with Defence in regard to investigations issues:

Comcare	In Defence the
will liaise with Group Safety Coordinators to arrange meeting details.	GSC will: <ul style="list-style-type: none"> • notify required attendees to arrange meeting details, and • advise the DGOHSC through DSPP.
