



Defence People Policy, SafetyMan

17 Element Work Health And Safety Management System

1. There are 17 elements that underpin Defence SafetyMan policies:

Element 01 - Leadership and culture

2. Leaders drive work health and safety culture through being informed of work health and safety hazards and risks, having processes to communicate and consult, and ensuring resources are available to address hazards and risks.
3. Leadership is the ability to make sound judgments and influence behaviour at all levels to optimise the outcomes of workers health, safety and welfare. It is integrated with all other work health and safety elements and drives system improvement to meet desired performance outcomes.
4. Leaders guide and drive development of work health and safety policy to align with the Defence organisational risk profile and focus on the major hazards within the organisation. Leaders plan, identify objectives, set timeframes for delivery, commit resources and assign accountabilities for achieving the desired performance outcomes. Work health and safety plans ensure continuous improvement of Defence Work Health and Safety Management Systems for long and short term work health and safety performance goals.
5. Leadership at all levels should demonstrate actions and attitudes that convey to all workers that commanders/managers and supervisors are genuine about safety, and develop a culture that prioritises safety.
6. Work health and safety leaders must comply with the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011*. In demonstrating due diligence, the *Work Health and Safety Act 2011, Section 27 - Duty of officers* (Annex A) requires officers of the Person Conducting a Business or Undertaking to show that they have taken reasonable steps to support a culture of safety and places a directive on leadership to contribute to a culture of safety. Defence leaders acting as the Person Conducting a Business or Undertaking on behalf of the Commonwealth must demonstrate a continued commitment to the health and safety of everyone across Defence.

Element 02 – Performance management

7. Defence collects work health and safety information (eg event, hazard, audit and risk) through Sentinel. The reporting (provided through the Safety Trend Analysis Reporting Solution – STARS) can be used to assess effectiveness of the Work Health and Safety Management Systems and identify work health and safety issues, guide improvement initiatives and provide assurance that initiatives are effective in achieving a reduction in work related injury, illness and disease.
8. Defence work health and safety performance metrics assess the effectiveness of the Defence Work Health and Safety Management Systems in achieving the strategic objectives detailed in the *Defence Work Health and Safety Strategy*, and compliance with the *Work Health and Safety Act 2011, Schedule 2, Part 4 – Other persons* (Annex B). The regular reporting of metrics support senior Defence leaders to meet their due diligence obligations by allowing them to make informed decisions about work health and safety priorities, set appropriate performance targets and reissue work health and safety policy and plans that drive continuous improvement.



Element 03 – Consultation, communication and issue resolution

9. Work health and safety consultation, communication and issue resolution are processes that organisational leaders, managers, commanders, supervisors, workers, contractors and affected persons engage to discuss the management of hazards, risks and resolve work health and safety issues.
10. Communication and consultation is key to accelerating timely resolutions of work health and safety issues and the proactive identification of work health and safety improvement opportunities.
11. Specific requirements for Defence to consult, communicate and resolve work health and safety issues with employees are mandated in the *Work Health and Safety Act 2011*.
12. Australian Defence Force (ADF) members are exempt from belonging to a work group and becoming a health and safety representative. This exemption does not apply to Australian Public Service (APS), contractors and third parties that work for a Service organisation.

Element 04 – Governance and assurance

13. Work health and safety governance seeks to ensure work health and safety hazards and risks are managed and processes implemented.
14. Examples of governance frameworks include Group and Service Work Health and Safety Management Systems, Base Work Health and Safety Management Systems, and Work Health and Safety Committees.
15. Governance frameworks assist in demonstrating: hazard and risk management, safety performance, resourcing, system conformance and legal compliance. Governance frameworks include assigned roles, defined accountabilities and seek to continually improve the system.
16. Work health and safety assurance is a process by which governance frameworks are reviewed to ensure the above and contribute to continual improvement. Assurance activities can include workplace inspections, audits and data analysis to predict emerging safety hazards or risks.
17. Governance in Defence consists of a hierarchical structure which is directed and influenced by a framework of work health and safety risk management processes that impact strategic objectives, business planning, financial management, resource planning and control, compliance and assurance systems.
18. Data collected from hazard and risk management reporting aids the decision making process in mitigating risk to the organisation. The process of monitoring, auditing and reviewing all levels of the Work Health and Safety Management Systems are fundamental to governance and assurance.
19. Work health and safety governance within the organisational and management structures, including roles, responsibilities and accountabilities, and health and safety management arrangements are necessary for managing work health and safety risks, aid in developing and implementing work health and safety improvement strategies, and for implementing and maintaining an effective Work Health and Safety Management Systems.

Element 05 – Work health and safety information

20. Work health and safety information enables decision makers to make well informed decisions. Achievement of this element requires information management systems to enable the collection, aggregation, analysis and availability of accurate and relevant data.

21. Groups and Services are to support and utilise enterprise systems that collect, aggregate, store and analyse work health and safety data, and make that information available. The systems should include the method by which data is captured and evaluated to ensure accuracy and relevance, and policies and practices for work health and safety document and records management.
22. The *Work Health and Safety Act 2011, Section 19 – Primary duty of care* (Annex C) imposes primary duties of care upon Defence in the provision of any information, training, instruction and supervision that is necessary to protect all persons from risks to their health and safety.
23. The *Work Health and Safety Act 2011, Section 27 – Duty of officers* requires that an officer of the Person Conducting a Business or Undertaking must exercise due diligence by:
 - 23.1. acquiring up to date knowledge of work health and safety matters;
 - 23.2. gaining an understanding of the activities undertaken by the workers and the hazards and risks associated with those activities; and
 - 23.3. developing and maintaining appropriate processes utilising work health and safety information with regards to incidents, hazards and risks.

Element 06 – Education, awareness and skilling

24. The work health and safety education, awareness and skilling element aims to prevent workplace injuries by ensuring that people have the appropriate information, instruction, knowledge and training to appropriately manage the hazards associated with their duties and safely conduct their work.
25. Registered Training Organisations are key enablers responsible for ensuring that Defence training courses maintain legislative and policy currency and worker competencies are assessed as appropriate.
26. The *Work Health and Safety Act 2011, Section 27 (5)(e) – Duty of officers* requires that the Person Conducting a Business or Undertaking has, and implements, processes for complying with any duty or obligation including ensuring the provision of training and instruction to workers.
27. The *Work Health and Safety Act 2011, Section 44 – Requirements for prescribed qualifications or experience* (Annex D) requires that workers and supervisors meet the qualification and experience requirements.
28. The Codes of Practice prescribe relevant training requirements in relation to specific risks and mandate the minimum training and competency requirements for workers.

Element 07 – Occupational health

29. Occupational health seeks to facilitate the optimal physical, mental and social wellbeing of workers.
30. Occupational health is the understanding of possible impacts that the organisation's activities could have on the health and wellbeing of workers and ensuring that mechanisms are in place to manage those risks, protect workers from injury, illness and disease. Occupational health aspects are considered and reviewed as part of each system of work including the possible requirements for health monitoring and surveillance.
31. The *Work Health and Safety Act 2011 Section 19 (2) – Primary duty of care* imposes a primary duty upon the Person Conducting a Business or Undertaking to ensure, so far as is reasonably practicable that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

32. *Work Health and Safety Regulations 2011, Division 6 – Health monitoring* (Annex E) impose obligations in relation to occupational health monitoring. The *Work Health and Safety Regulations 2011, Schedule 14 – Requirements for health monitoring* (Annex F) identify the hazards that require health monitoring.
33. Detailed requirements are contained in the sections of the *Work Health and Safety Regulations 2011* that pertain to the management of specific hazards including managing airborne contaminants, hazardous atmospheres, confined spaces, general diving work, hazardous chemicals, lead and asbestos.
34. Further consideration should be given to relevant work health and safety Codes of Practice including managing noise and preventing hearing loss, confined spaces, and how to manage and control asbestos in the workplace.
35. The *Australian Radiation Protection and Nuclear Safety Act 1998* regulates activities involving radiation to protect the health and safety of people and the environment from the harmful effects of radiation. The *Australian Radiation Protection and Nuclear Safety Act 1998* applies to activities conducted within and outside Australia.

Element 08 – Hazard identification and risk management

36. Defence is committed to providing all Defence employees the highest level of protection so far as is reasonably practicable against harm to their health, safety and welfare from hazards and risks arising at work.
37. Safe practice must be fundamental and inherent to the way commanders/managers and supervisors think and act. Therefore, Defence commits to the management of work health and safety hazards and risks in (relative to all of its activities) accordance with the *Work Health and Safety Regulations 2011* and the *Code of Practice - How to Manage Work Health and Safety Risks*.
38. Hazard identification and risk management involves a rigorous assessment of work health and safety threats and the proactive elimination or control of these threats and involves the following:
 - 38.1. the policies, processes, tools and systems used to identify, risk assess and record the organisations work health and safety risks and hazards;
 - 38.2. the systems used to record and communicate the high risk/major hazard areas and processes (eg confined space activities), and work areas and processes that have a high number of accidents and incidents;
 - 38.3. the policies, processes and systems used to develop, document, communicate, supervise, audit, review and amend the control mechanisms required to mitigate work health and safety hazards;
 - 38.4. inspection, hazard identification training and information sharing programs used to improve the hazard identification process;
 - 38.5. the methods used in organisations with high operational tempo functions to identify heightened risks and employ increased awareness and mitigation strategies and appropriate approval processes for the operational period; and
 - 38.6. methods by which highly specialised external knowledge is accessed for hazard identification, inspection and mitigation activities.
39. Hazard identification should be undertaken during development of the work process or system of work. Hazard identification should also be a routine process, including a scheduled walk-around by various levels of management. Employees should be trained in

hazard management and control techniques, and encouraged to consider and suggest safety improvements.

40. Risk assessment is the process used to assess the likelihood and/or consequence of an event (incident) occurring to determine if the risk needs to be noted, monitored or treated. Risk assessment determines the priority in which risk events are to be treated. The hierarchy of controls aim to first eliminate the risk, and if not possible, to apply, in order of merit, the following methods of control:
 - 40.1. substitution, ie using an alternative process, substance or piece of equipment;
 - 40.2. isolation, ie isolating the process from people, eg by using barricades;
 - 40.3. re-engineering, redesigning equipment, processes or tools;
 - 40.4. administrative controls, ie training, supervision and written procedures; and
 - 40.5. personal protective equipment.
41. The *Work Health and Safety Regulations 2011* place mandatory obligations on employers in relation to hazard management, The *Work Health and Safety Regulations 2011* require employers to take the following actions prior to the introduction of any plant or substance, or the introduction of or changes to the work practice:
 - 41.1. ensure that all reasonably foreseeable hazards arising from work, which may affect the health or safety of employees or other persons, are identified; and
 - 41.2. ensure that the risk associated with any hazards are identified and assessed.
42. If a hazard is identified the employer must eliminate the risks, or where elimination is not reasonably practicable, minimise the risk using the hierarchy of controls.

Element 09 – Safe systems of work

43. Defence work is undertaken in a safe and healthy manner. Safe systems of work are the work practices, training courses, documented work instructions and methods of supervision to, so far as is reasonably practicable, eliminate and minimise risks to a person's welfare, health and safety. These systems reflect the requirements of relevant work health and safety legislation, codes of practice, agreements and guidelines.
44. Systems of work are to be regularly reviewed to ensure that they provide the best safety, health and welfare outcomes for workers.
45. Safe systems of work include work instructions and related employee and supervisor training programs that:
 - 45.1. identify and explain each risk associated with the activity and its consequences;
 - 45.2. clearly describe the control method (including the maintenance of the control method), and explain how the method mitigates the risk;
 - 45.3. identify relevant legislation and policy, and then explain why the regulation or policy exists; and
 - 45.4. explain the importance of process documentation and record keeping, and the consequences of inattention to this detail.
46. Consultation and communication with workers is integral to the effectiveness of safe systems of work. Workers are encouraged to identify and report issues and suggest improvements to safe systems of work.

47. The *Work Health and Safety Act 2011, Section 19 (3)(c) – Primary duty of care* places a primary duty on the Person Conducting a Business or Undertaking to ensure so far as is reasonably practicable, the provision and maintenance of a safe system of work.
48. The *Work Health and Safety Regulations 2011* and relevant Codes of Practice provide further requirements and guidance in regard to what is defined as a safe system of work and how to achieve a safe system of work.
49. Safe systems of work will be integrated with all other Work Health and Safety Management System elements.

Element 10 – Platforms, infrastructure, plant and equipment

50. Defence work is undertaken in a safe and healthy manner with regards to platforms, infrastructure, plant and equipment and is concerned with the following:
 - 50.1. the identification of work health and safety risks, and the development of control mechanisms during the design, acquisition, use, storage, maintenance, re-engineering and disposal of platforms, infrastructure, plant, equipment and substances. In this context, maintenance includes inspection, isolation, testing and the retention of records;
 - 50.2. the provision of appropriate information in regard to the above from one component of the supply chain to the next;
 - 50.3. ensuring that designs are registered with the appropriate work health and safety regulator as applicable;
 - 50.4. the development of registers to ensure that work health and safety hazards and risks inherent in platforms, infrastructure, plant, equipment and substances are captured prior to acquisition or commissioning;
 - 50.5. the development of systems to ensure that information contained in these registers is communicated to those with a need to know, and monitored to ensure the information is accurate and current;
 - 50.6. the development of control mechanisms for the management of unsafe plant and equipment, and for commissioning, decommissioning and disposal processes;
 - 50.7. when urgent maintenance is performed in an operational/exercise context, and the method used falls outside of the manufacturers specifications, a comprehensive job safety analysis must be undertaken on the methods and processes used in carrying out that maintenance; and
 - 50.8. the development of policy and processes to ensure that platforms, infrastructure, plant and equipment are maintained in accordance with legislative and other mandatory or guidance requirements. These requirements can include registration, licensing, external inspection, monitoring and record keeping.

Element 11 – Contractor and supplier management

51. Work health and safety contractor and supplier management is the management of work health and safety of contractors, subcontractors and their employees, visitors, labour hire companies and suppliers of on-site services who undertake work for Defence (whether or not this work is performed on Defence sites). Refer to the *Work Health and Safety Act 2011, Section 19 (3) (c) - Primary duty of care*.
52. When working under Defence control contractors and their employees are defined as workers under the *Work Health and Safety Act 2011* and as such are to be provided the same level of health and safety as employees. Defence cannot 'contract out' its obligations

under the *Work Health and Safety Act 2011* and is ultimately responsible and liable for the acts of the contractors and subcontractors and their employees.

53. Contractual arrangements must ensure that work is conducted in a way that maintains contractor, subcontractor and Defence compliance with the *Work Health and Safety Act 2011*. Defence must implement processes that ensure contractor and subcontractor compliance with contractual arrangements and the obligations and duties imposed upon them by the *Work Health and Safety Act 2011*.
54. Standard Defence contracting practice requires contractors to ensure that they comply with all relevant Australian legislation, and provide supplies that will not cause the Commonwealth to be in breach of its duties under Australian work health and safety legislation. These practices also ensure that contractors have an appropriate level of responsibility for their own safety.
55. The *Work Health and Safety Act 2011*, Section 16 – *More than 1 person can have a duty* (Annex G) provides that the responsibilities and duties owed to the workers may be held by 1 or more persons concurrently, ie Commonwealth – Defence and the contractor.

Element 12 – Emergency preparedness

56. Emergency preparedness is the review of policies and processes to identify potential emergency events, and the identification of resources to develop and implement emergency response, evacuation and business continuity plans. In the event of an emergency, Defence is ready to respond quickly and effectively to protect its people and capability.
57. Emergency management for buildings, structures, ships and workplaces is concerned with the establishment of Emergency Control Organisations and their associated communication and consultation requirements, the development of Base emergency plans and the development of emergency response procedures for responding to events such as fire, explosion, bomb threats, storm and structural collapse.
58. Emergency management associated with work processes, substances and equipment is a day to day chain-of-command function. Emergency management in this context is part of the hazard identification and control system, ie emergency management requirements are identified and developed during work process modeling to identify hazards and develop controls.
59. Emergency preparedness also includes processes used to identify and train emergency management personnel and allocate required resources. Emergency planning will often be incorporated into the work instructions and training courses developed to control risks in a specific activity, eg confined space entry evacuation.
60. In addition to general obligations under the *Work Health and Safety Act 2011*, Section 19 – *Primary duty of care* and the *National Construction Code of Australia* describes mandatory requirements applicable to emergency management for buildings.
61. The following *Work Health and Safety Regulations 2011* inform emergency management:
 - 61.1. *Chapter 3 – General risk and workplace management - Division 4 – Emergency Plans (General - Annex H);*
 - 61.2. *Regulations 349 to 362 – Hazardous Chemicals - (Annex I);and*
 - 61.3. *Regulation 557 - Emergency Plan (Major Hazard Facilities - Annex J).*
62. The Code of Practice – Managing the Work Environment and Facilities should also be considered.
63. Emergency preparedness impacts on and is integrated with all other elements.

Element 13 – Emergency response

64. Emergency response involves the testing and improvement of emergency management plans, including the validation of emergency staffing, training, equipment and procedures. Additionally, it includes the incorporation of lessons learned from exercises, incidents and external sources. Emergency response impacts on, and is integrated with all other Work Health and Safety Management System elements as necessary.

Element 14 – Treatment

65. Work health and safety treatment relates to the application of appropriate intervention following an incidence of injury or illness to a worker so as to minimise the impact on the worker, supporting best recovery outcomes and eliminating the risk of injury to other workers, including:
 - 65.1. first aid policy and procedures that guide the immediate medical intervention through application of first aid and transition to longer term management of personnel;
 - 65.2. first aid policy and procedures that include the treatment of the immediate environment to eliminate further risk of injury or illness to others; and
 - 65.3. provision of appropriate resources to enact the first aid policy and procedures including identification and training of the first aid personnel, equipment and treatment facilities.
66. Joint Health Command is responsible for the development and maintenance of the ADF health system including the provision of policy, procedure, tools, guidance material and the application of treatment to ADF members.
67. Defence is required to maintain appropriately resourced first aid systems that include the application of immediate first aid treatment to workers and a supported transition to longer term management, and treatment of the immediate environment to eliminate further risk to the health, safety and welfare of other Defence workers.

Element 15 – Incident management

68. Work health and safety incident management is the reporting and investigation of events (incidents), and analysis of workplace injuries, illness and incidents aimed at the development and implementation of corrective and preventive actions, and the identification and application of lessons learned. Incident management systems ensure that each event is managed through its lifecycle, and investigated to inform preventative strategies designed to reduce the impact of incidents and prevent them from reoccurring. Incident management is part of and integrated with other Work Health and Safety Management System elements.
69. The *Work Health and Safety Act 2011, Part 3 - Incident notification* (Annex K) mandates Defence employers notify Comcare of all incidents that result in death and/or serious injury or illness and/or a dangerous incident that exposes a person to a serious risk to their health and safety.
70. The Chief of the Defence Force has declared an exemption under the *Work Health and Safety Act 2011, Section 12D (2) – Act not to prejudice Australia’s defence* (Annex L), *Section 38 – Duty to notify of notifiable incidents* and *Section 39 – Duty to preserve incident sites* do not apply to members of the ADF where work health and safety incidents occur during warlike and non-warlike overseas hazardous service, and are not notifiable to Comcare.
71. The *Work Health and Safety Act 2011 Division 3 – Powers relating to entry* (Annex M) provides the legal right for work health and safety inspectors to enter workplaces at any

time to inspect, make inquiries and examine anything (including documents) at the workplace.

Element 16 – Rehabilitation

72. Defence ensures all workers who experience an injury, illness or disease have access to rehabilitation support to maximise their recovery outcomes and facilitate their safe return to work. Rehabilitation policy and instructions must be communicated with workers to ensure they are aware of their entitlements to rehabilitation, and understand their roles and responsibilities as workers, managers, commanders and supervisors in accordance with rehabilitation policy and programs.
73. Defence rehabilitation, retention and compensation systems work together to support optimal recovery and durable return to work outcomes, minimise the human and financial costs associated with ongoing care and maximise the retention of workers within the department.
74. The principal legislation regarding rehabilitation in Defence for APS employees is the *Safety, Rehabilitation and Compensation Act 1988*. The *Safety, Rehabilitation and Compensation Act 1988* is described as an Act relating to the rehabilitation of employees of the Commonwealth and certain corporations and to workers' compensation for those employees and certain other persons, and for related purposes.
75. The principal legislation regarding rehabilitation for military personnel in Defence is the *Military Rehabilitation and Compensation Act 2004*. The *Military Rehabilitation and Compensation Act 2004* is described as an Act to provide rehabilitation, compensation and other entitlements for veterans and former members of the Defence Force, and for other purposes. Prior to 2004, military personnel were covered under the *Safety, Rehabilitation and Compensation Act 1988*.

Element 17 – Compensation

76. Defence ensures that workers (or their dependents) receive compensation for any injury, illness or disease suffered as a result of their employment which results in death, incapacity or impairment for work. Compensation systems ensure employees have access to appropriate compensation for work related injury, illness and disease.
77. Defence compensation policy and instructions are communicated with workers to ensure that all workers are aware of their entitlements to compensation, and workers, managers and supervisors understand their roles and responsibilities in regard to compensation policy and programs.
78. Defence rehabilitation, retention and compensation systems work together to support optimal recovery and durable return to work outcomes, minimise the human and financial costs associated with ongoing care and maximise the retention of workers within the department.
79. See Element 16 for relevant Acts regarding claims for compensation. APS compensation claims are administered by Comcare and military personnel compensation claims are administered by the Department of Veterans' Affairs.

Annexes

- A. [Work Health and Safety Act 2011](#) – Section 27 – Duty of officers
- B. [Work Health and Safety Act 2011](#) – Schedule 2 – Part 4 – Other persons
- C. [Work Health and Safety Act 2011](#) – Section 19 – Primary duty of care
- D. [Work Health and Safety Act 2011](#) – Section 44 - Requirements for prescribed qualifications or experience

- E. [Work Health and Safety Regulations 2011](#) – Division 6 – Health Monitoring
- F. [Work Health and Safety Regulations 2011](#) – Schedule 14 – Requirements for health monitoring
- G. [Work Health and safety Act 2011](#) – Section 16 – More than 1 person can have a duty
- H. [Work Health and Safety Regulations 2011](#) – Chapter 3 – General risk and workplace management - Division 4 – Emergency Plans
- I. [Work Health and Safety Regulations 2011](#) – Regulations 349 to 362 – Hazardous Chemicals
- J. [Work Health and Safety Regulations 2011](#) – Regulation 557 – Emergency plan
- K. [Work Health and Safety Act 2011](#) – Part 3 – Incident notification
- L. [Work Health and Safety Act 2011](#) – Section 12D – Act not prejudice Australia's defence
- M. [Work Health and Safety Act 2011](#) – Division 3 – Powers relating to entry

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Annex A**Work Health and Safety Act 2011****Section 27 - Duty of officers**

(1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.

(2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.

(3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.

(4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.

(5) In this section, **due diligence** includes taking reasonable steps:

- (a) to acquire and keep up-to-date knowledge of work health and safety matters; and
- (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and
- (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
- (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
- (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

Examples: For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include:

- (a) reporting notifiable incidents;
- (b) consulting with workers;
- (c) ensuring compliance with notices issued under this Act;
- (d) ensuring the provision of training and instruction to workers about work health and safety;
- (e) ensuring that health and safety representatives receive their entitlements to training

Annex B

Work Health and Safety Act 2011

Schedule 2 - Part 4 - Other persons

Annual reports

1) Each of the following entities must include the matters mentioned in subclause (2) in its annual report for a financial

(a) a non-corporate Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*;

(b) a public authority.

(2) The matters are:

(a) initiatives taken during the year to ensure the health, safety and welfare of workers who carry out work for the entity; and

(b) health and safety outcomes (including the impact on injury rates of workers) achieved as a result of initiatives mentioned under paragraph (a) or previous initiatives; and

(c) statistics of any notifiable incidents of which the entity becomes aware during the year that arose out of the conduct of businesses or undertakings by the entity; and

(d) any investigations conducted during the year that relate to businesses or undertakings conducted by the entity, including details of all notices given to the entity during the year under Part 10 of this Act; and

(e) such other matters as are required by guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit.

Annex C

Work Health and Safety Act 2011

Section 19 - Primary duty of care

(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:

- (a) workers engaged, or caused to be engaged by the person, and
- (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

(3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable:

- (a) the provision and maintenance of a work environment without risks to health and safety, and
- (b) the provision and maintenance of safe plant and structures, and
- (c) the provision and maintenance of safe systems of work, and
- (d) the safe use, handling, and storage of plant, structures and substances, and
- (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
- (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and
- (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

(4) If:

- (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking, and
 - (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available,
- the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.

(5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

Note: A self-employed person is also a person conducting a business or undertaking for the purposes of this section.

Annex D

Work Health and Safety Act 2011

Section 44 - Requirements for prescribed qualifications or experience

(1) A person must not carry out work at a workplace if:

- (a) the regulations require the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience, and
- (b) the person does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.

Maximum penalty:

- (a) in the case of an individual-\$20,000, or
- (b) in the case of a body corporate-\$100,000.

(2) A person who conducts a business or undertaking must not direct or allow a worker to carry out work at a workplace if:

- (a) the regulations require the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience, and
- (b) the worker does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.

Maximum penalty:

- (a) in the case of an individual-\$20,000, or
- (b) in the case of a body corporate-\$100,000.

Annex E**Work Health and Safety Regulations 2011****Division 6 - Health monitoring****368 Duty to provide health monitoring**

A person conducting a business or undertaking must ensure that health monitoring is provided to a worker carrying out work for the business or undertaking if:

- (a) the worker is carrying out ongoing work at a workplace using, handling, generating or storing hazardous chemicals and there is a significant risk to the worker's health because of exposure to a hazardous chemical referred to in Schedule 14, table 14.1, column 2, or
- (b) the person identifies that because of ongoing work carried out by a worker using, handling, generating or storing hazardous chemicals there is a significant risk that the worker will be exposed to a hazardous chemical (other than a hazardous chemical referred to in Schedule 14, table 14.1) and either:
 - (i) valid techniques are available to detect the effect on the worker's health, or
 - (ii) a valid way of determining biological exposure to the hazardous chemical is available and it is uncertain, on reasonable grounds, whether the exposure to the hazardous chemical has resulted in the biological exposure standard being exceeded.

Maximum penalty:

- (a) in the case of an individual—\$6,000, or
- (b) in the case of a body corporate—\$30,000.

Note 1: The biological exposure standard is published by Safe Work Australia.

Note 2: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

369 Duty to inform of health monitoring

A person conducting a business or undertaking who is required to provide health monitoring to a worker must give information about the health monitoring requirements to:

- (a) a person who is likely to be engaged to carry out work using, handling, generating or storing a hazardous chemical, and
- (b) a worker for the business or undertaking, before the worker commences work using, handling, generating or storing a hazardous chemical.

Maximum penalty:

- (a) in the case of an individual—\$3,600, or
- (b) in the case of a body corporate—\$18,000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations

370 Duty to ensure that appropriate health monitoring is provided

A person conducting a business or undertaking must ensure that health monitoring of a worker referred to in regulation 368 includes health monitoring of a type referred to in an item in Schedule 14, table 14.1, column 3 in relation to a hazardous chemical referred to in column 2 for the item, unless:

- (a) an equal or better type of health monitoring is available; and
- (b) the use of that other type of monitoring is recommended by a registered medical practitioner with experience in health monitoring.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations

371 Duty to ensure health monitoring is supervised by registered medical practitioner with experience

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 368 is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Penalty:

- (a) In the case of an individual—\$3 600.
- (b) In the case of a body corporate—\$18 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

372 Duty to pay costs of health monitoring

(1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in clause 368.

Maximum penalty:

- (a) in the case of an individual—\$3,600, or
- (b) in the case of a body corporate—\$18,000.

(2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring,

the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

373 Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- (a) the name and address of the person conducting the business or undertaking;
- (b) the name and date of birth of the worker;
- (c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- (d) if the worker has started that work—how long the worker has been carrying out that work.

Penalty:

- (a) In the case of an individual—\$3 600.
- (b) In the case of a body corporate—\$18 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

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374 Duty to obtain health monitoring report

(1) A person conducting a business or undertaking who commissions health monitoring referred to in regulation 368 must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) The health monitoring report must include the following:

- (a) the name and date of birth of the worker;
- (b) the name and registration number of the registered medical practitioner;
- (c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;
- (d) the date of the health monitoring;
- (e) any test results that indicate whether or not the worker has been exposed to a hazardous chemical;
- (f) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;

- (g) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
- (h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring

375 Duty to give health monitoring report to worker

The person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

376 Duty to give health monitoring report to regulator

A person conducting a business or undertaking for whom a worker is carrying out work for which health monitoring is required must give a copy of the health monitoring report relating to a worker to the regulator as soon as practicable after obtaining the report if the report contains:

- (a) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work using, handling, generating or storing hazardous chemicals that triggered the requirement for health monitoring; or
- (b) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work using, handling, generating or storing hazardous chemicals that triggered the requirement for health monitoring.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

377 Duty to give health monitoring report to relevant persons conducting businesses or undertakings

The person who commissioned health monitoring for a worker under regulation 368 must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Penalty:

- (a) In the case of an individual—\$6 000.

- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

378 Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record:

- (a) identified as a record in relation to the worker; and
- (b) for at least 30 years after the record is made.

Penalty:

- (a) In the case of an individual—\$1 250.
- (b) In the case of a body corporate—\$6 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Penalty:

- (a) In the case of an individual—\$1 250.
- (b) In the case of a body corporate—\$6 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 376 or 377 or to a person who must keep the record confidential under a duty of professional confidentiality.

Annex F**Work Health and Safety Regulation – 2011****Schedule 14 - Requirements for health monitoring**

(Regulations 368, 370 and 406)

Table 14.1 Hazardous chemicals (other than lead) requiring health monitoring

Column 1	Column 2	Column 3
Item	Hazardous chemical	Type of health monitoring
1	Acrylonitrile	Demographic, medical and occupational history Records of personal exposure Physical examination
2	Arsenic (inorganic)	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the peripheral nervous system and skin Urinary inorganic arsenic
3	Benzene	Demographic, medical and occupational history Records of personal exposure Physical examination Baseline blood sample for haematological profile
4	Cadmium	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the respiratory system Standard respiratory questionnaire to be completed Standardised respiratory function tests including for example, FEV 1, FVC and FEV 1 /FVC Urinary cadmium and β 2 -microglobulin Health advice, including counselling on the effect of smoking on cadmium exposure
5	Chromium (inorganic)	Demographic, medical and occupational history Physical examination with emphasis on the respiratory system and skin Weekly skin inspection of hands and forearms by a competent person
6	Creosote	Demographic, medical and occupational history Health advice, including recognition of photosensitivity and skin changes Physical examination with emphasis on the neurological system and skin, noting any abnormal lesions and evidence of skin sensitisation Records of personal exposure, including photosensitivity

7	Crystalline silica	Demographic, medical and occupational history Records of personal exposure Standardised respiratory questionnaire to be completed Standardised respiratory function test, for example, FEV 1, FVC and FEV 1 /FVC Chest X-ray full size PA view
8	Isocyanates	Demographic, medical and occupational history Completion of a standardised respiratory questionnaire Physical examination of the respiratory system and skin Standardised respiratory function tests, for example, FEV 1, FVC and FEV 1 /FVC
9	Mercury (inorganic)	Demographic, medical and occupational history Physical examination with emphasis on dermatological, gastrointestinal, neurological and renal systems Urinary inorganic mercury
10	4,4'-Methylene bis (2-chloroaniline) (MOCA)	Demographic, medical and occupational history Physical examination Urinary total MOCA Dipstick analysis of urine for haematuria Urine cytology
11	Organophosphate pesticides	Demographic, medical and occupational history including pattern of use Physical examination Baseline estimation of red cell and plasma cholinesterase activity levels by the Ellman or equivalent method Estimation of red cell and plasma cholinesterase activity towards the end of the working day on which organophosphate pesticides have been used
12	Pentachlorophenol (PCP)	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the skin, noting any abnormal lesions or effects of irritancy Urinary total pentachlorophenol Dipstick urinalysis for haematuria and proteinuria
13	Polycyclic aromatic hydrocarbons (PAH)	Demographic, medical and occupational history Physical examination Records of personal exposure, including photosensitivity Health advice, including recognition of photosensitivity and skin changes
14	Thallium	Demographic, medical and occupational history Physical examination Urinary thallium
15	Vinyl chloride	Demographic, medical and occupational history Physical examination

		Records of personal exposure
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Table 14.2 Lead requiring health monitoring

Column 1	Column 2	Column 3
Item	Lead	Type of health monitoring
1	Lead (inorganic)	Demographic, medical and occupational history Physical examination Biological monitoring

Annex G

Work Health and Safety Act 2011

Section 16 - More than 1 person can have a duty

- (1) More than one person can concurrently have the same duty.
- (2) Each duty holder must comply with that duty to the standard required by this Act even if another duty holder has the same duty.
- (3) If more than one person has a duty for the same matter, each person:
 - (a) retains responsibility for the person's duty in relation to the matter, and
 - (b) must discharge the person's duty to the extent to which the person has the capacity to influence and control the matter or would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity.

Annex H**Work Health and Safety Regulations 2011****Chapter 3 – General risk and workplace Management - Division 4 – Emergency plans**

(1) A person conducting a business or undertaking at a workplace must ensure that an emergency plan is prepared for the workplace that provides for the following:

- (a) emergency procedures, including:
 - (i) an effective response to an emergency; and
 - (ii) evacuation procedures; and
 - (iii) notifying emergency service organisations at the earliest opportunity; and
 - (iv) medical treatment and assistance; and
 - (v) effective communication between the person authorised by the person conducting the business or undertaking to coordinate the emergency response and all persons at the workplace;
- (b) testing of the emergency procedures, including the frequency of testing;
- (c) information, training and instruction to relevant workers in relation to implementing the emergency procedures.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) A person conducting a business or undertaking at a workplace must maintain the emergency plan for the workplace so that it remains effective.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) A person conducting a business or undertaking at a workplace must maintain the emergency plan for the workplace so that it remains effective.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(3) For subregulations (1) and (2), the person conducting the business or undertaking must have regard to all relevant matters, including the following:

- (a) the nature of the work being carried out at the workplace;

- (b) the nature of the hazards at the workplace;
 - (c) the size and location of the workplace;
 - (d) the number and composition of the workers and other persons at the workplace.
- (4) A person conducting a business or undertaking at a workplace must implement the emergency plan for the workplace in the event of an emergency.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

Annex I**Work Health and Safety Regulations 2011****Regulations 349 to 362 – Hazardous Chemicals****349 Outer warning placards—requirement to display**

(1) A person conducting a business or undertaking at a workplace must ensure that an outer warning placard is prominently displayed at the workplace if the total quantity of a Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals used, handled or stored at the workplace exceeds the placard quantity for the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) An outer warning placard must comply with Schedule 13.
- (3) This regulation does not apply to a workplace if:
 - (a) the workplace is a retail outlet; and
 - (b) the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals is used to refuel a vehicle, and is either:
 - (i) a flammable gas; or
 - (ii) a flammable liquid.

350 Placard—requirement to display

(1) A person conducting a business or undertaking at a workplace must ensure that a placard is prominently displayed at the workplace if the total quantity of a Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals stored at the workplace exceeds the placard quantity for the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) A placard must comply with Schedule 13.
- (3) This regulation does not apply to a Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals if:
 - (a) the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals is in bulk in a container, including an IBC, that is intended for transport and a placard is displayed on the container in accordance with the ADG Code; or

- (b) the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals is a flammable liquid stored in an underground tank at a retail outlet and used to refuel a vehicle

Division 5 Control of risk—obligations of persons conducting businesses or undertakings Subdivision 1 General obligations relating to management of risk

351 Management of risks to health or safety

1) A person conducting a business or undertaking must manage, in accordance with Part 3.1, risks to health and safety associated with using, handling, generating or storing a hazardous chemical at a workplace.

Note: WHS Act—section 19 (see regulation 9).

(2) In managing risks the person must have regard to the following:

- (a) the hazardous properties of the hazardous chemical;
- (b) any potentially hazardous chemical or physical reaction between the hazardous chemical and another substance or mixture, including a substance that may be generated by the reaction;
- (c) the nature of the work to be carried out with the hazardous chemical;
- (d) any structure, plant or system of work:
 - (i) that is used in the use, handling, generation or storage of the hazardous chemical; or
 - (ii) that could interact with the hazardous chemical at the workplace.

352 Review of control measures

In addition to the circumstances in regulation 38, a person conducting a business or undertaking at a workplace must ensure that any measures implemented to control risks in relation to a hazardous chemical at the workplace are reviewed and as necessary revised in any of the following circumstances:

- (a) following any change to the safety data sheet for the hazardous chemical or the register of hazardous chemicals;
- (b) if the person obtains a health monitoring report for a worker under Division 6 that contains:
 - (i) test results that indicate that the worker has been exposed to the hazardous chemical and has an elevated level of metabolites in his or her body for that hazardous chemical; or
 - (ii) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work using, handling, generating or storing the hazardous chemical that triggered the requirement for health monitoring; or
 - (iii) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work using, handling, generating or storing the hazardous chemical that triggered the requirement for health monitoring;
- (c) if monitoring carried out under regulation 50 determines that the airborne concentration of the hazardous chemical at the workplace exceeds the relevant exposure standard;

- (d) at least once every 5 years.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations

353 Safety signs

- (1) This regulation applies if a safety sign is required to control an identified risk in relation to using, handling, generating or storing hazardous chemicals at a workplace.
- (2) A person conducting a business or undertaking at the workplace must display a safety sign at the workplace to:
 - (a) warn of a particular hazard associated with the hazardous chemicals; or
 - (b) state the responsibilities of a particular person in relation to the hazardous chemicals.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (3) The person must ensure that the safety sign is:
 - (a) located next to the hazard; and
 - (b) clearly visible to a person approaching the hazard.
- (4) In this regulation, **safety sign** does not include a placard.

354 Identification of risk of physical or chemical reaction

- (1) A person conducting a business or undertaking at a workplace must identify any risk of a physical or chemical reaction in relation to a hazardous chemical used, handled, generated or stored at a workplace.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) Subregulation (1) does not apply if the hazardous chemical undergoes the physical or chemical reaction in a manufacturing process or as part of a deliberate process or activity at the workplace.

(3) A person conducting a business or undertaking at a workplace must take all reasonable steps to ensure that a hazardous chemical is used, handled, generated or stored so as not to contaminate food, food packaging or personal use products.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Examples: Personal use products:

- cosmetics;
- face washer.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(4) Subregulation (3) does not apply to the use of a hazardous chemical for agricultural purposes if:

- (a) the hazardous chemical is used in accordance with a relevant law of a State specified in a corresponding WHS law; or
- (b) if no relevant law of a State is specified in a corresponding WHS law—the hazardous chemical is regulated under another law of the State

355 Specific control—fire and explosion

A person conducting a business or undertaking at a workplace must, if there is a possibility of fire or explosion in a hazardous area being caused by an ignition source being introduced into the area, ensure that the ignition source is not introduced into the area (from outside or within the space).

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

356 Keeping hazardous chemicals stable

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that a hazardous chemical used, handled or stored at the workplace does not become unstable, decompose or change so as to:

- (a) create a hazard that is different from the hazard originally created by the hazardous chemical; or
- (b) significantly increase the risk associated with any hazard in relation to the hazardous chemical.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) A person conducting a business or undertaking at a workplace must ensure that:
- (a) if the stability of a hazardous chemical used, handled or stored at the workplace is dependent on the maintenance of the proportions of the ingredients of the hazardous chemical—the proportions are maintained as stated in the safety data sheet for the chemical or by the manufacturer of the hazardous chemical; and
 - (b) if a hazardous chemical used, handled or stored at the workplace is known to be unstable above a particular temperature—the hazardous chemical is used, handled or stored at or below that temperature.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (3) This regulation does not apply if:
- (a) the hazardous chemical is changed or allowed to become unstable, without risk to health or safety, as part of a deliberate process or activity at the workplace; or
 - (b) the hazardous chemical undergoes a chemical reaction in a manufacturing process or as part of a deliberate process or activity at the workplace.

Subdivision 2 Spills and damage

Containing and managing spills

- (1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that where there is a risk from a spill or leak of a hazardous chemical in a solid or liquid form, provision is made in each part of the workplace where the hazardous chemical is used, handled, generated or stored for a spill containment system that contains within the workplace any part of the hazardous chemical that spills or leaks, and any resulting effluent.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) The person must ensure that the spill containment system does not create a hazard by bringing together different hazardous chemicals that are not compatible.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(3) The person must ensure that the spill containment system provides for the cleanup and disposal of a hazardous chemical that spills or leaks, and any resulting effluent.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(4) In subregulation (2), **compatible**, for 2 or more substances, mixtures or items, means that the substances, mixtures or items do not react together to cause a fire, explosion, harmful reaction or evolution of flammable, toxic or corrosive vapour.

358 Protecting hazardous chemicals from damage

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that containers of hazardous chemicals and any associated pipe work or attachments are protected against damage caused by an impact or excessive loads.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

Subdivision 3 Emergency plans and safety equipment

359 Fire protection and firefighting equipment

(1) A person conducting a business or undertaking at a workplace must ensure the following:

- (a) the workplace is provided with fire protection and firefighting equipment that is designed and built for the types of hazardous chemicals at the workplace in the quantities in which they are used, handled, generated or stored at the workplace, and the conditions under which they are used, handled, generated or stored, having regard to:
 - (i) the fire load of the hazardous chemicals; and
 - (ii) the fire load from other sources; and
 - (iii) the compatibility of the hazardous chemicals with other substances and mixtures at the workplace;
- (b) the fire protection and firefighting equipment is compatible with firefighting equipment used by the primary emergency service organisation;
- (c) the fire protection and firefighting equipment is properly installed, tested and maintained;

- (d) a dated record is kept of the latest testing results and maintenance until the next test is conducted.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) If a part of the fire protection and firefighting equipment provided at the workplace becomes unserviceable or inoperative, the person must ensure that:

- (a) the implications of the equipment being unserviceable or inoperative are assessed; and
- (b) for risks that were controlled by the equipment when functioning fully, alternative measures are taken to manage the risks.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (3) The person must ensure that the fire protection and firefighting equipment is returned to full operation as soon as practicable.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

360 Emergency equipment

A person conducting a business or undertaking at a workplace that uses, handles, generates or stores hazardous chemicals must ensure that equipment is always available at the workplace for use in an emergency.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: A person conducting a business or undertaking must comply with Division 4 of Part 3.2.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

361 Emergency plans

(1) This regulation applies if the quantity of a Schedule 11 hazardous chemical used, handled, generated or stored at a workplace exceeds the manifest quantity for that hazardous chemical.

(2) A person conducting a business or undertaking at the workplace must give a copy of the emergency plan prepared under Division 4 of Part 3.2 for the workplace to the primary emergency service organisation.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(3) If the primary emergency service organisation gives the person a written recommendation about the content or effectiveness of the emergency plan, the person must revise the plan in accordance with the recommendation.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

362 Safety equipment

(1) This regulation applies if safety equipment is required to control an identified risk in relation to using, handling, generating or storing hazardous chemicals at a workplace.

(2) A person conducting a business or undertaking at the workplace must ensure that the safety equipment is provided, maintained and readily accessible to persons at the workplace.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

Annex J**Work Health and Safety Regulation 2011****Regulation 557 - Emergency plan**

(1) The operator of a determined major hazard facility must prepare an emergency plan for the major hazard facility that:

- (a) addresses all health and safety consequences of a major incident occurring; and
- (b) includes all matters specified in Schedule 16; and
- (c) provides for testing of emergency procedures, including the frequency of testing.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) In preparing an emergency plan, the operator must consult with:

- (a) the emergency service organisations with responsibility for the area in which the major hazard facility is located; and
- (b) in relation to the off-site health and safety consequences of a major incident occurring—the organisation identified as the local authority in accordance with regulations made under a law of a State that deals with occupational health and safety matters.

(3) The operator must ensure that the emergency plan addresses any recommendation made by the emergency service organisations consulted under subregulation (2) in relation to:

- (a) the testing of the emergency plan, including the manner in which it will be tested, the frequency of testing and whether or not the emergency service organisations will participate in the testing; and
- (b) what incidents or events at the major hazard facility should be notified to the emergency service organisations.

(4) The operator must have regard to any other recommendation or advice given by a person consulted under subregulation (2).

(5) The operator must:

- (a) keep a copy of the plan at the major hazard facility; and
- (b) give a copy of the plan to:
 - (i) the emergency service organisations consulted under subregulation (2); and
 - (ii) any other relevant emergency service organisations

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(6) The operator must test the emergency plan in accordance with the recommendations made by the emergency service organisations consulted under subregulation (2) before applying for a licence for the major hazard facility.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(7) The operator must immediately implement the emergency plan if:

- (a) a major incident occurs in the course of the operation of the major hazard facility; or
- (b) an event occurs that could reasonably be expected to lead to a major incident.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(8) The operator must notify the emergency service organisations consulted under subregulation (2) of the occurrence of an incident or event referred to in paragraph (3)(b).

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note 1: This regulation applies in addition to regulation 43.

Note 2: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

Annex K**Work Health and Safety Act 2011****Part 3 – Incident notification****Section 35 - What is a “notifiable incident”**

In this Act, **notifiable incident** means:

- (a) the death of a person; or
- (b) a serious injury or illness of a person; or
- (c) a dangerous incident.

Section 36 - What is a “serious injury or illness”

In this Part, **serious injury or illness** of a person means an injury or illness requiring the person to have:

- (a) immediate treatment as an in-patient in a hospital; or
- (b) immediate treatment for:
 - (i) the amputation of any part of his or her body; or
 - (ii) a serious head injury; or
 - (iii) a serious eye injury; or
 - (iv) a serious burn; or
 - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalping); or
 - (vi) a spinal injury; or
 - (vii) the loss of a bodily function; or
 - (viii) serious lacerations; or
- (c) medical treatment within 48 hours of exposure to a substance;

and includes any other injury or illness prescribed by the regulations but does not include an illness or injury of a prescribed kind.

Section 37 - What is a “dangerous incident”

In this Part, a **dangerous incident** means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- (a) an uncontrolled escape, spillage or leakage of a substance; or
- (b) an uncontrolled implosion, explosion or fire; or
- (c) an uncontrolled escape of gas or steam; or
- (d) an uncontrolled escape of a pressurised substance; or
- (e) electric shock; or
- (f) the fall or release from a height of any plant, substance or thing; or
- (g) the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations; or

- (h) the collapse or partial collapse of a structure; or
- (i) the collapse or failure of an excavation or of any shoring supporting an excavation; or
- (j) the inrush of water, mud or gas in workings, in an underground excavation or tunnel; or
- (k) the interruption of the main system of ventilation in an underground excavation or tunnel; or
- (l) any other event prescribed by the regulations;

but does not include an incident of a prescribed kind.

Section 38 - Duty to notify of notifiable incidents

(1) A person who conducts a business or undertaking must ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.

Penalty:

- (a) In the case of an individual—\$10 000.
 - (b) In the case of a body corporate—\$50 000.
- (2) The notice must be given in accordance with this section and by the fastest possible means.
- (3) The notice must be given:
- (a) by telephone; or
 - (b) in writing.

Example: The written notice can be given by facsimile, email or other electronic means.

- (4) A person giving notice by telephone must:
- (a) give the details of the incident requested by the regulator; and
 - (b) if required by the regulator, give a written notice of the incident within 48 hours of that requirement being made.
- (5) A written notice must be in a form, or contain the details, approved by the regulator.
- (6) If the regulator receives a notice by telephone and a written notice is not required, the regulator must give the person conducting the business or undertaking:
- (a) details of the information received; or
 - (b) an acknowledgement of receiving the notice.
- (7) A person conducting a business or undertaking must keep a record of each notifiable incident for at least 5 years from the day that notice of the incident is given to the regulator under this section.

Penalty:

- (a) In the case of an individual—\$5000.
- (b) In the case of a body corporate—\$25 000.

Section 39 Duty to preserve incident sites

(1) The person with management or control of a workplace at which a notifiable incident has occurred must ensure so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs.

Penalty:

- (a) In the case of an individual—\$10 000.
 - (b) In the case of a body corporate—\$50 000.
- (2) In subsection (1) a reference to a site includes any plant, substance, structure or thing associated with the notifiable incident.
- (3) Subsection (1) does not prevent any action:
- (a) to assist an injured person; or
 - (b) to remove a deceased person; or
 - (c) that is essential to make the site safe or to minimise the risk of a further notifiable incident; or
 - (d) that is associated with a police investigation; or
 - (e) for which an inspector or the regulator has given permission.

Annex L

Work Health and Safety Act 2011

Section 12D - Act not to prejudice Australia's defence

(1) Nothing in this Act requires or permits a person to take any action, or to refrain from taking any action, that would be, or could reasonably be expected to be, prejudicial to Australia's defence.

(2) Without limiting the generality of subsection (1), the Chief of the Defence Force may, by instrument in writing, declare that specified provisions of this Act do not apply, or apply subject to such modifications as are set out in the declaration, in relation to:

- (a) a specified activity; or
- (b) a specified member of the Defence Force; or
- (c) members of the Defence Force included in a specified class of such members.

(2A) Without limiting the generality of subsection (1), the Australian Border Force Commissioner may, by instrument in writing, declare that specified provisions of this Act do not apply, or apply subject to such modifications as are set out in the declaration, in relation to:

- (a) a specified operation of the Australian Border Force; or
- (b) a specified Australian Border Force worker; or
- (c) Australian Border Force workers included in a specified class of such workers.

(2B) The Australian Border Force Commissioner must consult the Immigration and Border Protection Secretary and the Chief of the Defence Force before making an instrument under subsection (2A).

(3) A declaration under subsection (2) or (2A) may only be made with the approval of the Minister and, if made with that approval, has effect according to its terms.

(4) In the exercise of the power under subsection (2), the Chief of the Defence Force must take into account the need to promote the objects of this Act to the greatest extent consistent with the maintenance of Australia's defence.

(5) In the exercise of the power under subsection (2A), the Australian Border Force Commissioner must take into account the need to promote the objects of this Act to the greatest extent consistent with the maintenance of Australia's defence.

Annex M

Work Health and Safety Act 2011

Division 3 – Powers relating to entry

Section 163 - Powers of entry

- (1) An inspector may at any time enter a place that is, or that the inspector reasonably suspects is, a workplace.
- (2) An entry may be made under subsection (1) with, or without, the consent of the person with management or control of the workplace.
- (3) If an inspector enters a place under subsection (1) and it is not a workplace, the inspector must leave the place immediately.
- (4) An inspector may enter any place if the entry is authorised by a search warrant.

Note: An inspector may enter residential premises to gain access to a workplace (see section 170(c)).

Section 164 - Notification of entry

- (1) An inspector may enter a place under section 163 without prior notice to any person.
- (2) An inspector must, as soon as practicable after entry to a workplace or suspected workplace, take all reasonable steps to notify the following persons of the entry and the purpose of the entry:
 - (a) the relevant person conducting a business or undertaking at the workplace;
 - (b) the person with management or control of the workplace;
 - (c) any health and safety representative for workers carrying out work for that business or undertaking at the workplace.
- (3) However, an inspector is not required to notify any person if to do so would defeat the purpose for which the place was entered or cause unreasonable delay.
- (4) In this section **relevant person conducting a business or undertaking** means the person conducting any business or undertaking in relation to which the inspector is exercising the powers of entry.

Section 165 - General powers on entry

- (1) An inspector who enters a workplace under section 163 may do all or any of the following:
 - (a) inspect, examine and make inquiries at the workplace;
 - (b) inspect and examine anything (including a document) at the workplace;
 - (c) bring to the workplace and use any equipment or materials that may be required;
 - (d) take measurements, conduct tests and make sketches or recordings (including photographs, films, audio, video, digital or other recordings);
 - (e) take and remove for analysis a sample of any substance or thing;
 - (f) require a person at the workplace to give the inspector reasonable help to exercise the inspector's powers under paragraphs (a) to (e);
 - (g) exercise any compliance power or other power that is reasonably necessary to be exercised by the inspector for the purposes of this Act.

(2) A person required to give reasonable help under subsection (1)(f) must not, without reasonable excuse, refuse or fail to comply with the requirement.

Penalty:

- (a) In the case of an individual—\$10 000.
 - (b) In the case of a body corporate—\$50 000.
- (3) Subsection (2) places an evidential burden on the accused to show a reasonable excuse.

165A Powers relating to electronic equipment

(1) The powers of an inspector who enters a workplace under this Division include the power to operate electronic equipment on the premises to see whether:

- (a) the equipment; or
- (b) a disk, tape or other storage device that:
 - (i) is on the premises; and
 - (ii) can be used with the equipment or is associated with it;

contains information relevant to whether this Act has been complied with.

(2) The powers of an inspector who enters a workplace under this Division include the following powers in relation to information found in the exercise of the power under subsection (1):

- (a) if entry to the premises is under a warrant—the power to seize the equipment and the disk, tape or other storage device referred to in that subsection;
- (b) the power to operate electronic equipment on the premises to put the information in documentary form and remove the documents so produced from the premises;
- (c) the power to operate electronic equipment on the premises to transfer the information to a disk, tape or other storage device that:
 - (i) is brought to the premises for the exercise of the power; or
 - (ii) is on the premises and the use of which for that purpose has been agreed in writing by the occupier of the premises;

and remove the disk, tape or other storage device from the premises.

(3) An inspector may operate electronic equipment as mentioned in subsection (1) or (2) only if he or she believes on reasonable grounds that the operation of the equipment can be carried out without damage to the equipment.

(4) An inspector may seize equipment or a disk, tape or other storage device as mentioned in subsection (2)(a) only if:

- (a) it is not practicable to put the information in documentary form as mentioned in subsection (2)(b) or to transfer the information as mentioned in subsection (2)(c); or
- (b) possession of the equipment or the disk, tape or other storage device by the occupier could constitute an offence against a law of the Commonwealth.

165B Expert assistance to operate electronic equipment

(1) This section applies to premises to which a warrant relates.

Securing equipment

(2) If an inspector believes on reasonable grounds that:

- (a) there is on the premises evidence of the kind specified in the warrant that may be accessible by operating electronic equipment on the premises; and
- (b) expert assistance is required to operate the equipment; and
- (c) if he or she does not take action under this subsection, the evidence may be destroyed, altered or otherwise interfered with;

he or she may do whatever is necessary to secure the equipment, whether by locking it up, placing a guard or other means.

(3) The inspector must give notice to the occupier of the premises, or another person who apparently represents the occupier, of his or her intention to secure the equipment and of the fact that the equipment may be secured for up to 24 hours.

(4) The equipment may be secured:

- (a) until the 24-hour period ends; or
- (b) until the equipment has been operated by the expert;

whichever happens first.

Extensions

(5) If an inspector believes on reasonable grounds that the equipment needs to be secured for more than 24 hours, he or she may apply to a magistrate for an extension of that period.

(6) The inspector must give notice to the occupier of the premises, or another person who apparently represents the occupier, of his or her intention to apply for an extension. The occupier or other person is entitled to be heard in relation to that application.

(7) The provisions of this Division relating to the issue of warrants apply, with such modifications as are necessary, to the issue of an extension.

(8) The 24-hour period may be extended more than once.

Section 166 - Persons assisting inspectors

(1) A person (the **assistant**), including an interpreter, may accompany the inspector entering a workplace under section 163 to assist the inspector if the inspector considers the assistance is necessary.

(2) The assistant:

- (a) may do the things at the place and in the manner that the inspector reasonably requires to assist the inspector to exercise compliance powers; but
- (b) must not do anything that the inspector does not have power to do, except as permitted under a search warrant.

(3) Anything done lawfully by the assistant is taken for all purposes to have been done by the inspector.

Section 167 - Search warrant

(1) An inspector may apply to a magistrate for a search warrant for a place.

(2) The application must be sworn and state the grounds on which the warrant is sought.

(3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

Example: The magistrate may require additional information supporting the application to be given by statutory declaration.

(4) The magistrate may issue a search warrant only if the magistrate is satisfied there are reasonable grounds for suspecting:

- (a) there is a particular thing or activity (the **evidence**) that may provide evidence of an offence against this Act; and
- (b) the evidence is, or may be within the next 72 hours, at the place.

(5) The search warrant must state:

- (a) that a stated inspector may, with necessary and reasonable help and force, enter the place and exercise the inspector's compliance powers; and
- (b) the offence for which the search warrant is sought; and
- (c) the evidence that may be seized under the search warrant; and
- (d) the hours of the day or night when the place may be entered; and
- (e) the date, within 7 days after the search warrant's issue, the search warrant ends.

Section - 168 - Announcement before entry on warrant

(1) Before executing a search warrant, the inspector named in the warrant or an assistant to the inspector must:

- (a) announce that he or she is authorised by the warrant to enter the place; and
- (b) give any person at the place an opportunity to allow that entry.

(2) However, the inspector or an assistant to the inspector is not required to comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the place is needed to ensure:

- (a) the safety of any person; or
- (b) that the effective execution of the warrant is not frustrated.

Section 169 - Copy of warrant to be given to person with management or control of place

If the person who has or appears to have management or control of a place is present at the place when a search warrant is being executed, the inspector must:

- (a) identify himself or herself to that person by producing his or her identity card for inspection; and
- (b) give that person a copy of the execution copy of the warrant.

Section 170 - Places used for residential purposes

Despite anything else in this Division, the powers of an inspector under this Division in relation to entering a place are not exercisable in relation to any part of a place that is used only for residential purposes except:

- (a) with the consent of the person with management or control of the place; or
- (b) under the authority conferred by a search warrant; or
- (c) for the purpose only of gaining access to a suspected workplace, but only:

- (i) if the inspector reasonably believes that no reasonable alternative access is available; and
- (ii) at a reasonable time having regard to the times at which the inspector believes work is being carried out at the place to which access is sought.

Section 171 - Power to require production of documents and answers to questions

- (1) An inspector who enters a workplace under this Division may:
 - (a) require a person to tell the inspector who has custody of, or access to, a document; or
 - (b) require a person who has custody of, or access to, a document to produce that document to the inspector while the inspector is at that workplace or within a specified period; or
 - (c) require a person at the workplace to answer any questions put by the inspector.
- (2) A requirement under subsection (1)(b) must be made by written notice unless the circumstances require the inspector to have immediate access to the document.
- (3) An interview conducted by an inspector under subsection (1)(c) must be conducted in private if:
 - (a) the inspector considers it appropriate; or
 - (b) the person being interviewed so requests.
- (4) Subsection (3) does not limit the operation of section 166 or prevent a representative of the person being interviewed from being present at the interview.
- (5) Subsection (3) may be invoked during an interview by:
 - (a) the inspector; or
 - (b) the person being interviewed;

in which case the subsection applies to the remainder of the interview.

- (6) A person must not, without reasonable excuse, refuse or fail to comply with a requirement under this section.

Penalty:

- (a) In the case of an individual—\$10 000.
- (b) In the case of a body corporate—\$50 000.

Note: See sections 172 and 173 in relation to self-incrimination and section 269 in relation to legal professional privilege.

- (7) Subsection (6) places an evidential burden on the accused to show a reasonable excuse.

Section 172 - Abrogation of privilege against self-incrimination

- (1) A person is not excused from answering a question or providing information or a document under this Part or Part 8 on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty.
- (2) However, if the person is an individual, none of the following is admissible in evidence in civil or criminal proceedings against the person:
 - (a) the answer to the question;
 - (b) the production of the information or document;

- (c) any information, document or thing obtained as a direct or indirect consequence of answering the question or producing the information or document.

Section 173- Warning to be given

(1) Before requiring a person to answer a question or provide information or a document under this Part, an inspector must:

- (a) identify himself or herself to the person as an inspector by producing the inspector's identity card or in some other way; and
- (b) warn the person that failure to comply with the requirement or to answer the question, without reasonable excuse, would constitute an offence; and
- (c) warn the person about the effect of section 172; and
- (d) advise the person about the effect of section 269.

(2) It is not an offence for an individual to refuse to answer a question put by an inspector or provide information or a document to an inspector under this Part on the ground that the question, information or document might tend to incriminate him or her, unless he or she was first given the warning in subsection (1)(c).

(3) Nothing in this section prevents an inspector from obtaining and using evidence given to the inspector voluntarily by any person.

Section 174 - Powers to copy and retain documents

(1) An inspector may:

- (a) make copies of, or take extracts from, a document given to the inspector in accordance with a requirement under this Act, and
- (b) keep that document for the period that the inspector considers necessary.

(2) While an inspector retains custody of a document, the inspector must permit the following persons to inspect or make copies of the document at all reasonable times:

- (a) the person who produced the document,
- (b) the owner of the document,
- (c) a person authorised by a person referred to in paragraph (a) or (b).

Section 175 - Power to seize evidence etc

(1) An inspector who enters a workplace under this Part may:

- (a) seize anything (including a document) at the place if the inspector reasonably believes the thing is evidence of an offence against this Act, or
- (b) take and remove for analysis, testing or examination a sample of any substance or thing without paying for it.

(2) An inspector who enters a place with a search warrant may seize the evidence for which the warrant was issued.

(3) An inspector may also seize anything else at the place if the inspector reasonably believes:

- (a) the thing is evidence of an offence against this Act, and

- (b) the seizure is necessary to prevent the thing being hidden, lost or destroyed or used to continue or repeat the offence.

Section 176 - Inspector's power to seize dangerous workplaces and things

(1) This section applies if an inspector who enters a workplace under this Part reasonably believes that:

- (a) the workplace or part of the workplace, or
- (b) plant at the workplace, or
- (c) a substance at the workplace or part of the workplace, or
- (d) a structure at a workplace,

is defective or hazardous to a degree likely to cause serious injury or illness or a dangerous incident to occur.

(2) The inspector may seize the workplace or part, the plant, the substance or the structure.

Section 177 - Powers supporting seizure

(1) Having seized a thing, an inspector may:

- (a) move the thing from the place where it was seized (the "**place of seizure**"), or
- (b) leave the thing at the place of seizure but take reasonable action to restrict access to it, or

Examples: Sealing a thing and marking it to show access to it is restricted.

Sealing the entrance to a room where the seized thing is situated and marking it to show access to it is restricted.

- (c) if the thing is plant or a structure-dismantle or cause to be dismantled the plant or structure.

(2) If an inspector restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing or something restricting access to the thing without an inspector's approval.

Maximum penalty:

- (a) in the case of an individual-\$10,000, or
- (b) in the case of a body corporate-\$50,000.

(3) To enable a thing to be seized, an inspector may require the person in control of it:

- (a) to take it to a stated reasonable place by a stated reasonable time, and
- (b) if necessary, to remain in control of it at the stated place for a reasonable time.

(4) The requirement:

- (a) must be made by written notice, or
- (b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by written notice as soon as practicable.

(5) A further requirement may be made under this section in relation to the same thing if it is necessary and reasonable to make the further requirement.

(6) The person must not, without reasonable excuse, refuse or fail to comply with a requirement under subsection (3) or (5).

Maximum penalty:

- (a) in the case of an individual-\$10,000, or
- (b) in the case of a body corporate-\$50,000.

(7) Subsection (6) places an evidential burden on the accused to show a reasonable excuse.

Section 178 - Receipt for seized things

(1) As soon as practicable after an inspector seizes a thing, the inspector must give a receipt for it to the person from whom it was seized.

(2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must leave the receipt in a conspicuous position and in a reasonably secure way at the place of seizure.

(3) The receipt must describe generally each thing seized and its condition.

(4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt required by this section (given the thing's nature, condition and value).

Section 179 - Forfeiture of seized things

(1) A seized thing is forfeited to the State if the regulator:

- (a) cannot find the person entitled to the thing after making reasonable inquiries, or
- (b) cannot return it to the person entitled to it, after making reasonable efforts, or
- (c) reasonably believes it is necessary to forfeit the thing to prevent it being used to commit an offence against this Act.

(2) Subsection (1) (a) does not require the regulator to make inquiries if it would be unreasonable to make inquiries to find the person entitled to the thing.

(3) Subsection (1) (b) does not require the regulator to make efforts if it would be unreasonable to make efforts to return the thing to the person entitled to it.

(4) If the regulator decides to forfeit the thing under subsection (1) (c), the regulator must tell the person entitled to the thing of the decision by written notice.

(5) Subsection (4) does not apply if:

- (a) the regulator cannot find the person entitled to the thing, after making reasonable inquiries, or
- (b) it is impracticable or would be unreasonable to give the notice.

(6) The notice must state:

- (a) the reasons for the decision, and
- (b) that the person entitled to the thing may apply within 28 days after the date of the notice for the decision to be reviewed, and
- (c) how the person may apply for the review, and
- (d) that the person may apply for a stay of the decision if the person applies for a review.

(7) In deciding whether and, if so, what inquiries and efforts are reasonable or whether it would be unreasonable to give notice about a thing, regard must be had to the thing's nature, condition and value.

(8) Any costs reasonably incurred by the State in storing or disposing of a thing forfeited under subsection (1) (c) may be recovered in a court of competent jurisdiction as a debt due to the State from that person.

(9) In this section, "**person entitled**" to a thing means the person from whom it was seized unless that person is not entitled to possess it in which case it means the owner of the thing.

Section 180 - Return of seized things

(1) If a seized thing has not been forfeited, the person entitled to the thing may apply to the regulator for the return of the thing after the end of 6 months after it was seized.

(2) The regulator must return the thing to the applicant under subsection (1) unless the regulator has reasonable grounds to retain the thing.

(3) The regulator may impose any conditions on the return of the thing under this section that the regulator considers appropriate to eliminate or minimise any risk to work health or safety related to the thing.

(4) In this section, "**person entitled**" to a thing means the person entitled to possess the thing or the owner of the thing.

Section 181 - Access to seized things

(1) Until a seized thing is forfeited or returned, the regulator must permit the following persons to inspect it and, if it is a document, to make copies of it at all reasonable times:

- (a) the person from whom the thing was seized,
- (b) the owner of the thing,
- (c) a person authorised by a person referred to in paragraph (a) or (b).

(2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow inspection or copying.



Defence People Policy, SafetyMan

Audit Policy

Policy statement

1. Defence will continuously improve its Defence Work Health and Safety Management System and confirm compliance with legislation through a range of audit activities.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Introduction

4. This policy sets out the requirements for measuring and reporting on whole of Defence work health and safety performance, Defence Work Health and Safety Management System conformance and legislative compliance through audit activities. This is to ensure systems are in place to protect the health and safety of workers and others and to comply with the Work Health and Safety Act 2011 and Work Health and Safety Regulations 2011.
5. Defence will, as a minimum, establish audit processes in accordance with Australian/New Zealand Standards and International Standards Organisation 19011:2014: Guidelines for Auditing Management Systems Requirements.
6. The Defence Work Health and Safety Branch is responsible for undertaking Work Health and Safety Management System conformance audits and Hazardous Chemical and Joint Special Licence Plant compliance audits in accordance with the Defence Work Health and Safety Committee approved audit schedule. Individual Groups and Services are also responsible for undertaking work health and safety audit activities.

Definitions

7. First party audit is conducted by or on behalf of a Group or Service by organisations or individuals appointed within the chain of command but outside the management control of the workplace. These audits form the basis for an organisation's internal assessment of compliance with work health and safety legislation and/or conformance with the Defence Work Health and Safety Management System requirements. Results from these audits are reported to the Group Head or Service Chief of that organisation as part of the annual assurance activities.
8. Second party audit is conducted by the Defence People Group Work Health and Safety audit team on another Group or Service. Second party audits must be undertaken by qualified auditors independent of the activity being audited. Second party audits are conducted to verify the effectiveness of the organisations Work Health and Safety Management System and/or level of work health and safety legislative compliance. Results from these audits are reported to the Group Heads or Service Chiefs.
9. Third party audit is conducted by independent organisations external to Defence, ie Comcare or a certifying agency.



10. Conformance (System) the auditee conforms to the Defence Work Health and Safety Management System requirements.
11. Compliance (Legal) the auditee complies with the requirements of the Work Health and Safety Act 2011 and Work Health and Safety Regulations 2011.

Roles and Responsibilities

12. Group Heads and Service Chiefs are responsible for:
 - 12.1. implementing reportable work health and safety audit processes in their Group or Service as part of their due diligence obligations;
 - 12.2. understanding and documenting hazards and risks associated with their operations in order to target their work health and safety audit program;
 - 12.3. allocating and verifying the provision of resources for the implementation of appropriate audit programs;
 - 12.4. ensuring the conduct of work health and safety audit activities including legal compliance audits, through a work health and safety audit program; and
 - 12.5. implementing corrective actions resulting from work health and safety compliance and conformance audits.
13. The Assistant Secretary Work Health and Safety is responsible for:
 - 13.1. in consultation with Groups and Services, developing, implementing and maintaining the Work Health and Safety Corporate Audit Program and related corporate audit tools;
 - 13.2. undertaking corporate second party audit activities; and
 - 13.3. reporting corporate work health and safety audit outcomes to Group Heads and Service Chiefs, Defence Work Health and Safety Committee and Defence Senior Committees.
14. Group Safety Coordinators and Audit Program Managers are responsible for:
 - 14.1. overseeing and managing the audit program within their area to ensure that appropriate conformance and compliance activities, including work health and safety audits, are undertaken regularly commensurate with the level of risk for each operational activity;
 - 14.2. ensuring audit data including the entry of corrective actions is completed in Sentinel in accordance with the [Sentinel for WHS Audits](#) Quick Reference Guides; and
 - 14.3. following up and closing out corrective actions in Sentinel in accordance with the [Sentinel for WHS Audits](#) Quick Reference Guides (for contracted audits this activity is to be undertaken by the person responsible for managing the audit program).
15. Defence People Group Work Health and Safety Auditors are responsible for:
 - 15.1. conducting conformance and compliance audits; and
 - 15.2. completing the audit process and finalising the report in Sentinel in accordance with the [Sentinel for WHS Audits](#) Quick Reference Guides.
 - 15.3. Commanders, Managers and Supervisors are responsible for:
 - 15.4. ensuring that the appropriate resources are allocated to audit activities; and
 - 15.5. planning, actioning and reporting on audit outcomes.

Work Health and Safety Branch Corporate Work Health and Safety Audit Program

16. The corporate work health and safety audit tool checklists in Sentinel will be used to undertake audits to assess Group and Service work health and safety performance as part of the corporate audit program. Corporate Work Health and Safety Management System audits will test conformance at headquarters and division levels and their implementation at the unit or workplace level.
17. In developing the corporate audit program the following factors will be considered:
 - 17.1. objective, scope and duration of each audit and the number of audits to be conducted, including audit follow ups;
 - 17.2. number, importance, complexity, similarity and locations of the activities to be audited;
 - 17.3. previous work health and safety non-compliances from first or second party audits or contracted audit results and time since the last audit activity;
 - 17.4. areas of Regulator interest;
 - 17.5. Group and Service work health and safety risk profiles; and
 - 17.6. trends identified through work health and safety data and Key Performance Indicators against work health and safety goals and objectives.

Approval of the Corporate Work Health and Safety Audit Program

18. On an annual basis the Defence Work Health and Safety Branch will develop a five year rolling audit program/schedule in consultation with Groups and Services. The Work Health and Safety Audit Program will be submitted to the Defence Work Health and Safety Committee for approval.

Sentinel Work Health and Safety Audit Process and Checklists

19. To ensure consistency and effective reporting to Defence Senior Committees, auditors are required to use the Sentinel audit process and checklists.
20. Sentinel provides Defence with an integrated enterprise wide tool for the management of work health and safety information and allows for consistency of audit reports, tracking of corrective actions and reporting of audit results at all levels within Defence.
21. Outcomes of work health and safety audits are to be recorded in Sentinel unless there are valid reasons not to do so, ie security implications.

Training requirements

22. Defence workers who are required to administer, implement or conduct audits must have the appropriate level of training in accordance with the Sentinel Specialist Access Request Information sheet located on the [Sentinel Training and Specialist Access](#) web page.

References and related documents

23. [Work Health and Safety Act 2011](#)
24. [Work Health and Safety Regulations 2011](#)
25. [Defence Work Health and Safety](#)
 - 25.1. Committee approved Audit Plan
 - 25.2. Audit and Performance Improvement Standard Operating Procedure - Conducting an Audit

- 25.3. Safety Management System and Compliance Audit Checklists and guidance material listed within the Sentinel software application
- 26. [Australian/New Zealand Standards/International Standards Organisation](#)
 - 26.1. AS/NZS ISO 9000:2006 Quality Management Systems – Fundamentals and Vocabulary
 - 26.2. AS/NZS ISO 19011:2014 Guidelines for auditing management systems requirements
- 27. [Australian/New Zealand Standards](#) AS/NZS 4801:2001 Occupational health and safety management systems – specification with guidance for use
- 28. [Australian Standards](#)
 - 28.1. AS 3806:2006 Compliance Programs
 - 28.2. AS 8000:2003 Good Governance Principles
- 29. [Safe Work Australia: National Compliance and Enforcement Policy \(2011\)](#)

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Defence People Policy, SafetyMan

Base Work Health and Safety Management System Accountabilities Policy

Policy statement

1. Defence is committed to the health and safety of all persons working and visiting Defence establishments. This commitment will be achieved via the established Joint Framework for Base Accountabilities.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. The Base Manager, in consultation with the Senior Australian Defence Force Officer (or suitable delegate as reflected in local site plans) and Heads of Resident Units, is to coordinate and administer base work health and safety functions.

Roles and responsibilities

5. The Base Manager is to:
 - 5.1. develop the Base Work Health and Safety Management Plan and Base Emergency Management Plan with input from Heads of Resident Units.
 - 5.2. approve the Base Work Health and Safety Management Plan in accordance with the Base Work Health and Safety Management System and work health and safety requirements.
6. The Senior Australian Defence Force Officer is to:
 - 6.1. approve the Base Emergency Management Plan; and
 - 6.2. assume command of a base in order to lead the management of an incident in accordance with the Joint Framework for Base Accountabilities.
7. Heads of Resident Units are to:
 - 7.1. manage work health and safety incidents within their unit area, or involving their personnel, including reporting the incident in Sentinel;
 - 7.2. provide suitable representation at the Base Work Health and Safety Committee; and
 - 7.3. comply with the Base Work Health and Safety Management Plan.
8. A Base Work Health and Safety Committee (the Committee) is to be established and chaired by the Senior Australian Defence Force Officer or suitable delegate (as reflected in local site plans). Representation on the Committee should include the Base Manager and all Resident Units (and contractors where appropriate). Meetings must be held at least quarterly.



9. While the Committee does not have the authority to direct the activities of Estate and Infrastructure Group or Resident Units, it provides the forum for sharing of information about work health and safety hazards, risks and issues on base, and ensuring appropriate consultation, cooperation and coordination between stakeholders.
10. The Base Manager is to manage work health and safety aspects of common areas of a base on behalf of Resident Units, taking into account collective requirements. This does not remove the responsibilities of Heads of Resident Units for the appropriate use of common areas by their personnel.
11. Estate and Infrastructure Group is responsible for reviewing and harmonising procedures across Defence facilities and ensuring that a Base Manager is appointed for all Defence owned or operated facilities within Australia.

References and related documents

12. [Work Health and Safety Act 2011](#)
13. [Joint Framework for Base Accountabilities](#)
14. [Base WHS Management System - Estate and Infrastructure Group](#)
15. [Defence Base Emergency Management and Incident Response](#)

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Defence People Policy, SafetyMan

Contractor Safety Management Policy and Guidance

Policy statement

1. Defence enters into a wide range of contracts to deliver on Defence's mission. When Defence enters into contracts, both Defence and the contractor have health and safety duties towards the workers and other persons. This policy sets out the requirements in relation to contractor safety management to ensure compliance with legislated requirements when Defence engages (or causes to be engaged, or influences, or directs worker(s) activities) a contractor to conduct work on its behalf.

Scope

2. This policy applies to all Defence workers including ADF personnel, APS employees, ADF cadets and people involved in other Defence-supported youth programs, contractors (including subcontractors, consultants and outsourced service providers) and other persons.
3. The application of this policy to contractors (including subcontractors, consultants and outsourced service providers) is dependent on the degree of control and influence that Defence has, and will be defined by the relevant contractual arrangements.
4. This policy applies to all Defence contractual arrangements, including contracts with universities and research organisations.

Policy – core elements

5. Both Defence and contractors engaged (or caused to be engaged) by Defence have a duty to ensure, so far as reasonably practicable, the health and safety of workers while they are at work, and that other persons are not put at risk from the conduct of the work. What is 'reasonably practicable' for each duty holder (Defence and the contractor) to do to meet their duty may differ.
6. The duty includes ensuring, so far as reasonably practicable, the provision and maintenance of a work environment that is without risks to health and safety. This will generally require the use of a risk management approach such as hazard identification, risk assessment and risk control.
7. Defence must take reasonably practicable steps to eliminate risks to the health and safety of workers including contractors and other persons, and to minimise any residual risks so far as reasonably practicable. Further information on risk management and 'reasonably practicable' is provided in SafetyMan, 'Work Health and Safety Risk Management Procedure 01 – Defence Work Health and Safety Risk Management Process'.
8. Defence cannot delegate or reassign its duty towards workers, including contractors, to another party. However, Defence may meet its duty so far as is reasonably practicable by its reasonable reliance on the contractor to see that the work is performed safely. In order for its reliance to be reasonable, Defence will verify that the contractor is doing what it has told Defence it will do in relation to health and safety.
9. The extent of Defence's influence and control over how the contractor will carry out work on Defence's behalf is a relevant consideration when assessing which measures are reasonably practicable to ensure the health and safety of workers.
10. Where Defence has the knowledge, expertise or skill to direct workers in the work (which the contractor does not have); has the ability to recognise hazards or risks associated with



the work; or provides items or services related to the work (such as plant, equipment, systems, substances, safe work method statements, a worksite, or supervision), Defence must, so far as is reasonably practicable, eliminate or minimise risks to workers in relation to these aspects of the work that are under its control.

11. Where Defence engages a specialist contractor to complete work that Defence does not have expertise in, Defence may have a low level of influence and control over the work making it reasonably practicable for Defence to meet its duty by establishing a reasonable reliance on the contractor to manage the health and safety of workers and verifying the contractor's compliance.
12. Defence must not take independent decisions or direct the work of the contractor (thereby establishing influence and control over the work) in relation to safety or technical matters where Defence does not have relevant expertise and authority to do so safely.
13. Defence must satisfy itself that its duty has been and continues to be met by taking steps to verify that it is reasonable to rely on the contractor to manage work health and safety (WHS).
14. Guidance on determining reasonably practicable verification activities is included in SafetyMan, 'Contractor Safety Management Procedure 01 – Verification' and the associated Verification Needs Assessment Tool.
15. Where there is more than one duty holder, Defence must consult, cooperate and coordinate activities with these other duty holders and with workers so far as is reasonably practicable, to protect workers and other persons from harm.

Roles and responsibilities

16. Group Heads and Service Chiefs – as officers of the person conducting a business or undertaking (PCBU) – are responsible for allocating sufficient resources to effectively manage contractor safety management related risks.
17. Group Heads and Service Chiefs must ensure:
 - 17.1. they exercise due diligence under the *Work Health and Safety Act 2011* (WHS Act);
 - 17.2. sufficient resources are allocated to effectively implement the requirements of this policy.
 - 17.3. adequate processes are established and implemented to meet the requirements of this policy; and
 - 17.4. the effective implementation of specific duties for managing plant, substances and structures in relation to contractors, to the extent that Defence has control over health and safety aspects of these items.
18. Commanders, managers and supervisors hold delegated authority over the management of routine activities across Defence, and have a responsibility to support officers of the PCBU in meeting their duties.

19. Defence contract owners must meet the responsibilities outlined in table 1, below.

Table 1: Responsibilities of contract owners

Contract stage	The contract owner must
All stages of contract	<ul style="list-style-type: none"> • Share all information on identified hazards and risks related to the work or workplace of which Defence is aware with the contractor as soon as possible. This may include provision by Defence of information, training, induction and/or any other instruction necessary to protect persons from potential risks to their health and safety due to aspects of the work controlled by Defence (for example, where Defence provides a worksite, plant, substances, or safety systems/processes). • Where Defence provides the worksite, plant, substances or safety systems/processes, ensure workers have received information about known hazards and risks, by way of provision of appropriate induction, instruction or training relevant to those matters. • Consult, cooperate and coordinate with the contractor and with other parties within Defence to ensure concurrent responsibilities and accountabilities are achieved. • Maintain oversight of the WHS requirements of the contract and the WHS performance of the contractor. • Receive, review and act upon all safety information provided to Defence by the contractor. • Keep records documenting safety information provided by the contractor and decisions made by Defence with regards to contractor safety management and verification.
Pre-engagement phase	<ul style="list-style-type: none"> • Ensure that there has been a proper assessment of the scope of work and consideration of likely associated hazards and risks and the qualifications, licences, authorisations, experience and expertise likely to be required of any contractor selected. • Ensure the request for tender and contract clearly set out: <ul style="list-style-type: none"> ○ The scope of the work. ○ Matters which are not within the scope of work. ○ If there are any limitations on the information provided to the contractor or matters upon which the contractor must obtain their own information or expert advice. ○ Matters over which the contractor has control; ○ Aspects where Defence will rely on the contractor to manage safety.

Contract stage	The contract owner must
	<ul style="list-style-type: none"> • Ensure the request for tender or contract seeks information or assurances from the contractor as to expertise, experience and qualifications of the contractor which are relevant to the scope of work. • Ensure the contract template includes a Work Health and Safety clause(s).
Sourcing phase	<ul style="list-style-type: none"> • Review any available information on lessons learned from the previous safety performance of the contractor. • Prior to the commencement of work verify that the contractor holds any licences, qualifications, authorisations or certifications that are required or that they claim to possess to complete the work safely. • Prior to the commencement of work verify that the contractor has a system or other plan in place to identify hazards and risks and to protect workers from health and safety hazards and risks relevant to the scope of works, including (but not limited to) through the provision of inductions, information, instruction and training. • Prior to the commencement of work develop a verification plan to ensure the contractor is complying with its safety system or plan throughout the life of the contract. Refer to SafetyMan, 'Contractor Safety Management Procedure 01 - Verification'. • Consider the compatibility of contractor expertise, experience, safety record, qualifications and assurances with the scope of work.
Managing phase	<ul style="list-style-type: none"> • Implement the verification plan and revise it in response to any change to the circumstances of the contract ('trigger events' as detailed in SafetyMan, 'Contractor Safety Management Procedure 01 - Verification'). • Consult, cooperate and coordinate with the contractor in relation to any WHS matters. Escalate unresolved safety matters through contract performance management processes. • Continue to meet the responsibilities that apply across all stages of the contract. • At the conclusion of the contract record a summary of the contractor's safety performance and any lessons learnt, in a manner commensurate with the risk profile/scale of the contract.

20. Without limiting the contractual obligations, contractors have a responsibility to:
 - 20.1. comply with applicable state, territory and Commonwealth WHS legislation;
 - 20.2. consult, cooperate and coordinate with Defence to ensure concurrent responsibilities and accountabilities are achieved;
 - 20.3. consult with workers who are, or likely to be, directly affected by a matter relating to WHS, so far as is reasonably practicable;
 - 20.4. cooperate with requests by Defence to allow Defence to comply with its duties under the WHS Act, policy or procedures;
 - 20.5. ensure the appropriate risk management is conducted for all activities;
 - 20.6. identify hazards associated with the work;
 - 20.7. eliminate safety risks, so far as is reasonably practicable, or if not reasonably practicable to eliminate the risks, minimise the safety risks associated with the work so far as is reasonably practicable;
 - 20.8. provide all workers with any information, education, training, instruction and supervision that is necessary to protect all persons from risks arising from the work performed; and
 - 20.9. report all notifiable WHS incidents arising from the conduct of Defence business immediately to the Defence contract owner. The contractor, or the Defence contract owner on their behalf, must report the event through Defence's WHS management information system, Sentinel. For further information about notifiable incidents and reporting requirements refer to SafetyMan, 'Work Health and Safety Incident Reporting Policy and Guidance'; with specific and detailed requirements outlined in the relevant Group and Service safety management systems.
21. While at work, all workers have a responsibility to:
 - 21.1. take reasonable care for their own health and safety, and take reasonable care that their acts or omissions do not adversely affect the health and safety of others;
 - 21.2. comply, so far as reasonably able, with reasonable instructions given by the PCBU to allow it to comply with the WHS Act; and
 - 21.3. cooperate with any reasonable Defence policy or procedure that has been notified, to allow Defence to comply with its duties under the WHS Act, policy and procedures.

References and related documents

22. [Work Health and Safety Act 2011](#)
23. [Work Health and Safety Regulations 2011](#)

SafetyMan

24. [Contractor Safety Management Procedure 01 – Verification](#)
25. [Due Diligence Policy](#)
26. [Work Health and Safety Incident Reporting Policy and Guidance](#)
27. [Work Health and Safety Risk Management Procedure 01 – Defence Work Health and Safety Risk Management Process](#)

Other resources

- 28. [Financial Delegations – Glossary of Terms](#)
- 29. [Verification Needs Assessment Tool](#)

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Defence People Policy, SafetyMan

Contractor Safety Management Procedure 01 - Verification

1. This procedure provides information on the requirement to verify contractor safety. It relates to the SafetyMan, 'Contractor Safety Management Policy and Guidance'. Refer to the SafetyMan policy for information on application of the *Work Health and Safety Act 2011* (WHS Act) to management of contractor safety in Defence.
2. This procedure relates to all work where a contractor and/or subcontractor is engaged (or caused to be engaged) by Defence to conduct work on Defence's behalf, including arrangements with labour hire companies, universities and research agencies.
3. This procedure is to be used in conjunction with the Verification Needs Assessment Tool.

Verification of contractor safety

4. When entering into a contract with Defence, contractors are required to meet their legislative duties by having reasonably practicable safety controls in place for the risks associated with the work to be undertaken. Verification is how Defence checks that the contractor is doing what they have advised Defence they would do to manage safety while undertaking work for Defence.
5. The purpose of verification is to ensure that Defence meets its shared duties to workers and others, and that where there is reliance on the contractor to manage the health and safety of workers and others, it is and continues to be reasonable to do so. Verification activities do not require Defence to undertake a technical assessment of the adequacy of safety controls that the contractor has implemented.
6. Verification activities are facilitated by the requirements under the WHS Act for duty holders to consult, cooperate and coordinate where shared duties exist. Verification activities contribute to development of an open and transparent partnership between Defence and the contractor regarding safety. Verification activities should be conducted jointly with representatives from the contractor where possible.

When is verification required

7. Verification as set out in this procedure is required for all contracts except under the following circumstances:
 - 7.1. when Defence engages a contractor to carry out simple, one-off delivery of goods/services and the nature of the work has a low safety risk and Defence has a very low level of control over how the contractor will carry out the work. For example, catering for an event, or one-off facilitation of a training course; or
 - 7.2. when Defence personnel directly supervise contracted workers (eg labour hire arrangements). In these scenarios, Defence is not relying on the contractor to manage safety, and therefore verification activities to ensure contractor safety are not required. The Defence supervisor manages the safety of the contracted workers in the same manner as they do for Defence personnel, and by consulting, coordinating and cooperating with the contracted workers' agency about the safety of the contracted workers so far as reasonably practicable.
8. If there is doubt as to whether the contract falls within the exceptions outlined in the preceding paragraph, verification must occur.



Who should plan and conduct verification activities

9. Verification activities are best planned and led by the person managing the other performance aspects of the contract, such as the contract owner. Where possible, representatives of the contractor should be invited to participate in this process, in order to build a positive safety partnership.
10. The person conducting verification activities should have a general understanding of work health and safety (WHS) principles related to contractor management. This can be achieved by completing the Defence WHS mandatory training, and the Contractor Safety Management Awareness eLearning program (under development).
11. Technical work health and safety expertise is not required to plan or conduct verification activities.

How to choose appropriate verification activities

12. The contract owner must create a verification plan that outlines the verification activities that will occur, when they will occur, and the type of information that will be sought.
13. In order to develop a suitable verification plan, the contract owner should first determine the degree of verification in consultation with the contractor and, if required, relevant safety subject matter experts.
14. The degree of verification refers to:
 - 14.1. **Activity type.** Different verification activities provide different levels of insight into the contractor's safety practices.
 - 14.2. **Frequency of activities.** More frequent activities allow for greater insight into the contractor's safety practices where required.
 - 14.3. **Depth/detail of information sought.** More detailed information may provide greater insight into the contractor's safety practices where required.
15. The degree of verification that is outlined in the verification plan must provide the contract owner with sufficient information to determine that the contractor is doing what they have advised Defence they would do to manage safety, and to allow Defence to continue to have a reasonable reliance on the contractor to manage safety effectively.
16. To support development of appropriate verification plans, the Verification Needs Assessment Tool provides guidance on:
 - 16.1. the factors that must be considered to determine an appropriate degree of verification;
 - 16.2. common verification activities (eg safety conversations, document verification, data verification and site verification); and
 - 16.3. how the level of depth/detail can be increased or decreased for each type of verification activity.

What to do with information collected

17. The verification process will result in the creation and collection by Defence of documents, data and information provided by the contractor.
18. The contract owner must receive, review and act on the information obtained during the verification process. If safety issues have emerged, acting on the information includes ensuring that corrective actions have been identified, agreed and completed by the contractor. This will usually require further consultation, cooperation and coordination with the contractor.

Ongoing assessment of verification approach

19. The appropriate degree of verification may change over the life of the contract.
20. Where concerns exist about the safety performance of the contractor, the contract owner should address this with the contractor and consider increasing the degree of verification. Similarly, where safety performance has been positive, the contract owner may consider decreasing the degree of verification.
21. As a minimum, the degree of verification should be reassessed if a 'trigger event' occurs.
22. A 'trigger event' is a change in the circumstances of the contract in relation to the work being safely carried out. For example:
 - 22.1. a change in the scope of work;
 - 22.2. identification of new hazards;
 - 22.3. trends in the safety data, such as a pattern of minor injuries or near miss events;
 - 22.4. observations of behaviour that may indicate poor safety practices; or
 - 22.5. any breach of the WHS Act or the Work Health and Safety Regulations 2011.
23. If there are significant concerns, or ongoing and unresolved concerns around the safety performance of the contractor, and further escalation of the degree of verification is unlikely to resolve these concerns, additional action must be taken. This might include the use of dispute resolution provisions in the contract to escalate the matter and, ultimately, termination of the contract.

References and related documents

24. [Work Health and Safety Act 2011](#)
25. [Work Health and Safety Regulations 2011](#)

SafetyMan

26. [Contractor Safety Management Policy and Guidance](#)

Other Resources

27. [Verification Needs Assessment Tool](#)

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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Policy and Guidance

Policy statement

1. This policy provides the requirements for effectively managing work health and safety (WHS) consultation, cooperation and coordination across Defence.

Scope

2. This policy applies to all Defence workers as defined in the *Work Health and Safety Act 2011* (WHS Act), section 7.
3. Australian Defence Force (ADF) members are exempt from belonging to a work group and becoming a health and safety representative (HSR). This exemption does not apply to Australian Public Service (APS) employees, contractors and third parties that work for a Service organisation.
4. The application of this policy to contractors and subcontractors is dependent on the degree of control and influence that Defence has over the work and will be defined within the relevant contractual arrangements and the requirements of the WHS Act, section 16.
5. Contractors and subcontractors undertaking work under the primary control of Defence can be members of a work group and be elected as a HSR.

Policy – core elements

6. The principles of this policy are to:
 - 6.1. provide a written framework that details how to best meet legislative requirements to consult, cooperate, coordinate on WHS matters;
 - 6.2. provide workers with the opportunity to be fully involved and participate in the consultation process;
 - 6.3. ensure every individual is aware, as either an officer of the person conducting a business or undertaking (PCBU), a worker, or as a multiple duty holder, how to best manage WHS risks in their workplaces; and
 - 6.4. describe the requirements for setting up work groups, facilitating the election of a HSR and forming and conducting health and safety committees to improve WHS throughout Defence.

Roles and responsibilities

7. In addition to individual roles and responsibilities outlined in SafetyMan, WHS Roles, Responsibilities and Accountabilities Policy, the following are additional responsibilities in relation to WHS management and consultative arrangements.
8. Group Heads and Service Chiefs (as officers of the person conducting a business or undertaking) must:
 - 8.1. ensure that HSRs are available to complete initial and annual refresher training if requested;
 - 8.2. ensure there are adequate consultative arrangements to maintain an understanding of hazards and risks which impact their workers; and



- 8.3. encourage workers to take a constructive role in promoting WHS practices to achieve a safe work environment. For further information, see the WHS Act, section 3.
9. People Group is responsible for the allocation of funding for training fees associated with HSRs completing Comcare accredited HSR training. See SafetyMan, WHS Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training.
10. Workers undertaking roles of safety managers, safety advisors and safety coordinators are to actively promote the principles of consultation, communication and coordination on matters relating to WHS in their workplace. This responsibility extends to workers in roles that manage safety considerations.

WHS consultative arrangements and reporting

11. Defence has a duty of care to ensure all workers, other persons and duty holders who are directly affected by a WHS matter are consulted pursuant to the WHS Act, sections 46 to 49.
12. People Group is responsible for consultative arrangements at the strategic level.
13. Groups and Services are responsible for managing consultative arrangements and reporting mechanisms within their organisations. Senior leaders are to maintain an understanding of the hazards and risks in areas under their control through these mechanisms.
14. Sentinel is the reporting system for all WHS incidents that have occurred out of the business or undertaking. Defence has a requirement under the WHS Act to report all serious injury or illnesses, fatalities or dangerous occurrences to Comcare, the WHS regulator. For further information, refer to SafetyMan, WHS Incident Reporting Policy and Guidance.

WHS representation

Work groups

15. A determination of, or any variation to any work group in Defence is to be achieved through negotiation and agreement with the PCBU, the workers and HSRs who will form the work group. Negotiation is to be conducted pursuant to the WHS Act, sections 51 to 54. For further information, refer to SafetyMan, WHS Management and Consultative Arrangements Procedure 01 – Work Groups.

HSR functions

16. Workers may elect a HSR to represent their work group on health and safety matters. HSRs play an important role in developing and maintaining a partnership between Defence and workers on WHS issues. For further information, refer to SafetyMan, WHS Management and Consultative Arrangements Procedure 03 - Health and Safety Representative Functions.

Election of HSRs

17. A worker in a work group can stand for election as the HSR for their dedicated work group when they meet the following criteria and follow the requirements of the WHS Act, sections 60 and 61:
 - 17.1. they are a member of the work group;
 - 17.2. they have *not* been disqualified from becoming a HSR under the WHS Act, section 65; and

17.3. they are *not* a member of the ADF.

18. ADF members have a chain-of-command and protocols for formal lines of authority, communication and responsibility within Defence. Through the Declaration, ADF members *cannot* participate in voting, be nominated or elected to the role of HSR.

HSR training

19. Defence highly recommends that HSRs undertake a Comcare accredited (full) 5-day training course within 3 months following election, so that the HSR can exercise their full powers and function. During their HSR tenure, a one-day annual refresher course may also be completed. For further information, refer to SafetyMan, WHS Management and Consultative Arrangements Procedure 04 - Health and Safety Representative Training.

Health and safety committees

20. The PCBU must set up health and safety committees pursuant to the WHS Act, section 75, for its workers within 2 months of being requested to do so by:
- 20.1. a HSR for a work group;
 - 20.2. five or more workers at a workplace; or
 - 20.3. if required by the WHS Regulations.
21. Further information is provided in SafetyMan, WHS Management and Consultative Arrangements Procedure 05 - Health and Safety Committees.

Issue resolution

22. Formal issue resolution processes, including escalation through formal consultative processes, are to be followed if WHS issues cannot be adequately resolved in the workplace. For further information, refer to SafetyMan, WHS Management and Consultative Arrangements Procedure 06 - WHS Issue Resolution.

Unsafe work

23. A worker may cease, or refuse to carry out work when they have reasonable concerns that continuing would expose them and others in their work group to a serious risk to their health or safety due to an immediate or imminent exposure to a hazard. A worker must notify the PCBU, as soon as reasonably practicable, that the work has ceased, unless the work ceased from a direction from a HSR. The worker must remain available to carry out suitable alternate work. For further information, refer to SafetyMan, WHS Management and Consultative Arrangements Procedure 07 - Unsafe Work and the requirements of the WHS Act, sections 83 to 89.

Definitions

24. **Duty holder** means a person who holds one or more duties under the WHS Act, by virtue of being in one or more than one class of duty holder.
25. **Health and safety representative (HSR)** means a person elected pursuant to the WHS Act, sections 60 to 67.
26. **Inspector** means a person appointed by the WHS regulator, Comcare, to inspect, investigate or resolve a WHS matter in the workplace for the work group of which the worker is a member.
27. **Multiple duty holders** means where more than one person can concurrently have the same duty, in which case the duty is shared. Duties cannot be transferred.
28. **Person conducting a business or undertaking (PCBU)** means the Crown. Defence is the responsible agency that discharges the obligations of the PCBU.

29. **Officer of the person conducting a business or undertaking** refers to the Chief of the Defence Force, the Associate Secretary, Vice Chief of the Defence Force and all Group Heads and Service Chiefs individually.
30. **Regulator** means the national WHS regulator, Comcare.
31. **Worker** as defined in the WHS Act means any person, regardless of rank or position, who carries out work in any capacity for Defence as:
- 31.1. an ADF member;
 - 31.2. an APS employee;
 - 31.3. a contractor or a subcontractor;
 - 31.4. an employee of a contractor or subcontractor;
 - 31.5. an employee of labour hire company;
 - 31.6. an outworker;
 - 31.7. an apprentice or trainee;
 - 31.8. a student gaining work experience;
 - 31.9. a volunteer; or
 - 31.10. a person of a prescribed class.
32. **Work group** means an agreed or determined grouping of workers who share similar workplace health and safety interests and conditions. A work group may be made up of workers in one or more workplaces operated by a PCBU or workers of multiple PCBUs at one or more workplaces. There can be more than one work group in a workplace.
33. **Workplace** means any Defence owned or controlled location where work is carried out and includes any place where a worker goes, or is likely to be, while at work. A workplace includes a vehicle, vessel, aircraft or other mobile structure and any waters and installation on land, on the bed of any waters or floating on any waters.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

[Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice](#)

SafetyMan, [WHS Incident Reporting Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 01 – Work Groups](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 02 – Health and Safety Representative Elections](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 05 – Health and Safety Committees](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 06 – WHS Issue Resolution](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 07 – Unsafe Work](#)

[Defence Enterprise Agreement](#) page

[WHS Event Management](#) page, WHS Branch

Document	SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance
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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 01 – Work Groups

Introduction

1. This procedure provides general and specific information on how Defence manages work groups. This procedure relates to SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance.

Work groups

2. A work group can be determined when a request is received from a worker. In Defence, work groups are grouped by region, location, organisation, function and/or risk. The workers' work health and safety (WHS) interests are represented by their elected health and safety representative (HSR) in accordance with the *Work Health and Safety Act 2011* (WHS Act), Division 3—Health and safety representatives.

Determination of work groups

3. Any determination of, or any variation to, any work group in Defence is to be achieved through negotiation and agreement with the relevant Groups and Services, People Group and its workers. Negotiation is to be conducted in accordance with the WHS Act, sections 51 to 54.
4. The Groups and Services, through their management, Group Safety Coordinators or their representatives involved in negotiations to determine the work group, must, as soon as practicable, notify their workers of the outcome of the negotiations and any work groups determined by the agreement. In deciding the structure and composition of the work group, management must take into consideration the following:
 - 4.1. the number of workers and their geographical locations;
 - 4.2. the views of the workers in relation to the work groups;
 - 4.3. the nature of the work, and the diversity of workers and their work;
 - 4.4. the nature of hazards and associated risk; and
 - 4.5. the type of engagement of the workers (eg. contractors, full-time, part-time, casual, short term, shift workers).
5. People Group hosts a central list of work groups and current HSRs on the Work Health and Safety Branch HSR Hub intranet site. HSRs are responsible for maintaining the list, including removing themselves, when their term of office ceases. All requests to modify the list are to be sent by email to DPG.WHS@defence.gov.au.
6. For reporting and audit purposes, Group Safety Coordinators will be the first point of contact to provide updated work groups and HSR details.

Negotiation of work groups

7. A work group is determined by negotiation and agreement with the relevant person conducting the business or undertaking and the workers who will form the work group.
8. The Groups and Services, through their management, or their representatives must commence negotiations *within* 14 days after the request has been made.



Multiple-business work groups

9. Work groups may be determined for workers carrying out work for two or more persons conducting a business or undertaking at one or more workplaces. The work groups are to be determined by negotiation and agreement in accordance with the WHS Act, section 56.

Work group structure

10. The work group structure is developed in consultation with the workers in the work group, considering region, function and similar WHS risks.

Failure to resolve the work group creation or amendment

11. A person who was party to the negotiations, including managers within Groups and Services, a worker or HSR, should escalate the matter to People Group Work Health and Safety Branch in the first instance for advice before asking the Regulator (Comcare) to appoint an inspector to provide a resolution to the determination to create, or make any variation to, a work group.
12. It would be expected that the creation of, or variation to, work groups would be resolved internally and would not require the involvement of the Regulator. If a resolution is not reached at the local level, any person involved in the negotiation may request the Regulator to appoint an inspector to assist with the negotiations.

Notice to workers

13. Workers of the work group must be advised as soon as reasonably practicable of the outcome of the negotiations for the work group.

Work group framework

14. Enclosure 1 – Australian Capital Territory Work Group Framework – below, provides a practical guide to forming local work groups.

Enclosure 1 – Australian Capital Territory Work Group Framework

Purpose

1. The purpose of this framework is to provide guidance on the establishment of work groups within the Australian Capital Territory (ACT).

Framework principles

2. Work groups should be established at a Defence base level as shown in Figure 1 below.
3. Work groups where appropriate should contain, APS and contracted workers to represent the integrated nature of Defence business.
4. ADF personnel are exempt from work groups, therefore cannot participate in voting, be nominated or be elected in the role of a Health and Safety Representative.
5. Defence will adopt a risk based approach for Health and Safety Representative (HSR) to employee representation of:
 - 5.1. Low Risk 1:500 (Desk based, no or little client contact)
 - 5.2. High Risk 1:50 (Front line work, direct client contact)
6. HSR representation is worker driven. If worker interest warrants additional HSRs then this is the responsibility of the work group to negotiate as required.
7. Conversely, if there is insufficient worker interest, in accordance with work health and safety legislation there is no requirement to elect a HSR for work groups designated in this framework.
8. Information regarding the election, function and training of HSRs within established work groups is documented in the SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance.
9. A HSR List, by location, is available on the Health and Safety Representatives (HSR) Hub.

Work group establishment or amendment

10. In the ACT, relevant Base Management Forums are to facilitate the election of HSRs in accordance with this framework. Figure 1 below depicts the framework.

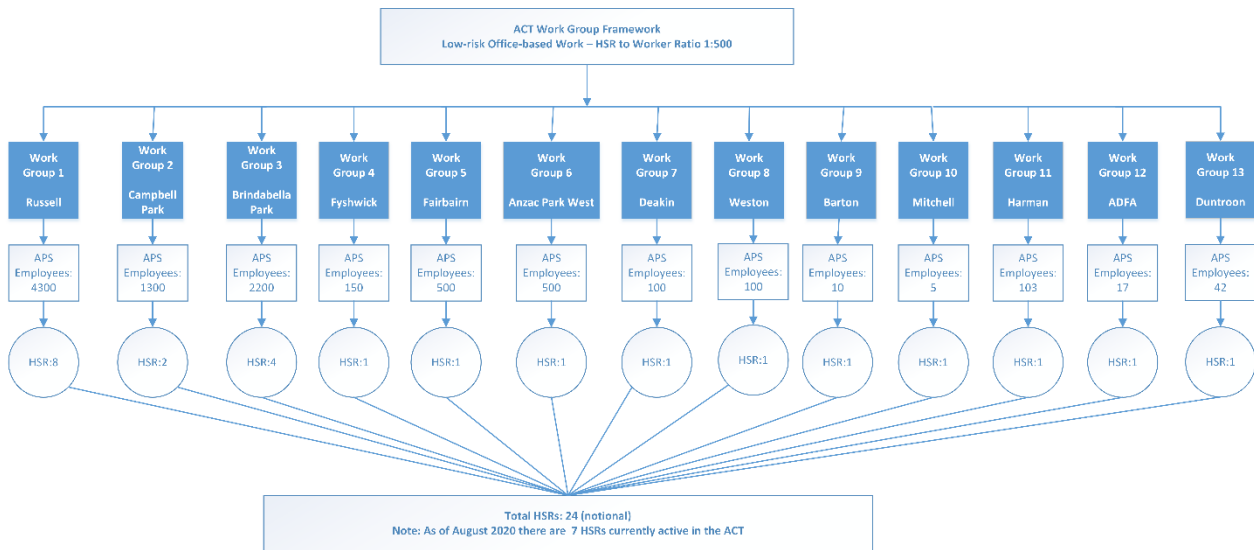


Figure 1: ACT work group framework

11. For further information refer to:
 - 11.1. SafetyMan, WHS Management and Consultative Arrangements Procedure 01 – Work Groups (the parent document); and
 - 11.2. SafetyMan, Base Work Health and Safety Management System Accountabilities Policy.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [Base Work Health and Safety Management System Accountabilities Policy](#)

SafetyMan, [WHS Management and Consultative Arrangements Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 02 - Health and Safety Representative Elections](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 04 - Health and Safety Representative Training](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 05 - Health and Safety Committees](#)

SafetyMan, [WHS Management and Consultative Arrangements
Procedure 06 – WHS Issue Resolution](#)

SafetyMan, [WHS Management and Consultative Arrangements
Procedure 07 - Unsafe Work](#)

[Health and Safety Representatives \(HSR\) Hub](#), WHS Branch

Document	SafetyMan, WHS Management and Consultative Arrangements Procedure 01 – Work Groups
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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 02 – Health and Safety Representative Elections

Introduction

1. This procedure provides general and specific information on the process for health and safety representatives (HSR) elections. This procedure relates to SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance.

Electing a HSR

2. A worker in a work group can stand for election as the HSR, or deputy HSR, for their dedicated work group when they meet the following criteria:
 - 2.1. they are a member of that work group;
 - 2.2. they have *not* been disqualified under the *Work Health and Safety Act 2011* (WHS ACT), section 65, from becoming a HSR; and
 - 2.3. they are *not* a member of the Australian Defence Force.

Process of HSR elections

3. Workers in a Defence work group can determine how to conduct the election of their HSRs pursuant to the WHS Act, section 61. Only workers in the specific work group are eligible to nominate. The following process applies for HSR elections:
4. Commanders and managers are to email workers in the work group notifying of the election process when a vacancy arises. The nominations are to be submitted within a two-week timeframe:
 - 4.1. if nominations exceed the number of vacancies, a vote is to be conducted. Nominees will be requested to submit a supporting statement of claims describing why they have applied for the role and listing any skills they can contribute to the role;
 - 4.2. the statement of claims and the voting will be open for one week providing workers in a work group the opportunity to vote for their preferred candidate;
 - 4.3. if there is a tie for the vote, an additional vote will be conducted;
 - 4.4. once a clear winning candidate for the HSR role has been determined, notification of the elected HSR is to be sent to the HSR's direct manager, commander, members of the group safety committee, the relevant Group Safety Coordinator and the work group; and
 - 4.5. on appointment of the HSR to the work group, an email is to be sent to work group members advising them of the HSR appointment.

Term of office

5. The term of office for the HSR is three years from the date of appointment. A HSR is eligible for re-election. Exceptions for completing the three-year term are when the HSR has:
 - 5.1. resigned from the position by providing written notice to respective commanders or managers and their Group Safety Coordinator;
 - 5.2. ceased to be a worker in the work group of which they were elected to represent;



- 5.3. been disqualified under the WHS Act, section 65, from holding office as a HSR; or
- 5.4. have been removed from that position by a majority of the members in the work group in accordance with the Work Health and Safety Regulations 2011, regulation 20.

List of HSRs

6. Commanders and managers are responsible for ensuring that lists of current HSRs are maintained and displayed within their business unit within the designated work group.
7. Work Health and Safety Branch hosts a central list of work groups and current HSRs on the Health and Safety Representatives (HSR) Hub page. HSRs are responsible for maintaining the list, including removing themselves when their term of office ceases. All requests to modify the list are to be emailed to DPG.WHS@defence.gov.au.
8. For reporting and audit purposes, Group Safety Coordinators will be the first point of contact to provide updated work groups and HSR details.

Removal of HSRs

9. The HSR should retain the confidence of the work group members in representing their WHS interests. If the workers in a work group lose confidence in the elected HSR, they can take action to have them removed from the role.
10. The majority of workers in the work group must sign a written declaration stating that the HSR should no longer represent that work group.
11. A member of the work group nominated by the members who signed the declaration must, as soon as practicable inform the removal of the HSR, through written notification to:
 - 11.1. the HSR who is to be removed;
 - 11.2. the relevant commander or manager of the workers in that work group; and
 - 11.3. the majority of all workers in the work group, as is reasonably practicable.
12. The removal of the HSR takes effect after the above parties are informed.
13. The relevant court or tribunal has the power to disqualify a HSR indefinitely for a specified period, when the court or tribunal has been satisfied that one of the above grounds has been satisfied.
14. HSRs can be disqualified from their position if it has been found that a HSR has:
 - 14.1. exercised a power or function as a HSR for an improper purpose;
 - 14.2. disclosed any information they have acquired as a HSR for a purpose other than in connection with the role of a HSR; or
 - 14.3. a regulator or any person adversely affected by either of the grounds listed above, may make an application for disqualification of a HSR.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [WHS Management and Consultative Arrangements Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 01 – Work Groups](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 05 – Health and Safety Committees](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 06 – WHS Issue Resolution](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 07 – Unsafe Work](#)

[Health and Safety Representatives \(HSR\) Hub](#) page

Document	SafetyMan, WHS Management and Consultative Arrangements Procedure 02 – Health and Safety Representative Elections
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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions

Introduction

1. This procedure provides information on the function and powers of health and safety representatives (HSRs), to support the implementation of the SafetyMan, WHS Management and Consultative Arrangement Policy and Guidance across Defence.

Powers and functions of a HSR

2. The four primary functions of a HSR under subsection 68(1) of the *Work Health and Safety Act 2011* (WHS Act) are:
 - 2.1. represent the workers in the work group on work health and safety matters;
 - 2.2. monitor the measures taken by the person conducting the relevant business or undertaking, or that person's representative in compliance with the WHS Act in relation to workers in the work group;
 - 2.3. investigate complaints made by the members of the work group relating to WHS issues; and
 - 2.4. inquire into anything that appears to be a risk to the health or safety of workers in the work group caused by the person conducting the business or undertaking.
3. In brief, the HSR may exercise or perform the functions below, pursuant to subsection 68(2) of the WHS Act:
 - 3.1. inspect any part of the workplace within the work group;
 - 3.2. request the establishment of a health and safety committee;
 - 3.3. receive information concerning WHS issues of workers in their work group, subject to the following conditions:
 - 3.3.1. Defence must not allow a HSR to have access to any personal information concerning a worker without the worker's consent.
 - 3.3.2. Defence may provide information only when it has been de-identified, and the information could reasonably be expected not to lead to the identification of the worker.
 - 3.4. accompany an inspector during the inspection of the workplace – see section 156 of the WHS Act for information about inspectors;
 - 3.5. be present, with consent of a work group member, at a WHS-related interview held between a worker, an inspector or Defence;
 - 3.6. be present, with the consent of one of more workers in the work group, at a meeting between an inspector and Defence; and whenever necessary, request the assistance of any person.
4. In exercising their powers and functions, HSRs should cooperate and collaborate with Defence's established processes, including working with Head Resident Units. For further



information refer to the Joint Framework for Base Accountabilities – Strategic Intent Statement.

5. In addition to the powers and functions listed above, HSRs:
 - 5.1. may agree to assist managers in conducting workplace hazard inspections;
 - 5.2. may investigate potential hazards and the occurrence of dangerous incidents, and examine the causes of the risks and/or incidents that may occur in their work group, within the limits of the individual HSR's competence and qualifications, and subject to any legislative powers;
 - 5.3. should be consulted by management regarding any changes (including proposed changes) to work practices, processes, equipment, organisation or modifications to the work environment that may affect the health and safety of workers in the work group they represent. See section 49 of the WHS Act for other consultation duties of a person conducting a business or undertaking; and
 - 5.4. additionally, where there is more than one HSR in a work group, each HSR should collaborate with the others regarding health and safety matters.
6. A HSR who has completed Comcare accredited HSR training has the power to direct unsafe work to cease in certain circumstances under section 85 of the WHS Act, and may issue Provisional Improvement Notices (PIN) under section 90 of the WHS Act.
7. More detailed information about powers and functions are contained in other SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance procedures.

Other support person

8. To assist a HSR in carrying out their role, powers and functions, a HSR may seek assistance from any person.
9. The term 'any person', under subsection 68(2)(g) of the WHS Act, refers to a person with the relevant knowledge and skills to assist the HSR, for example:
 - 9.1. within Defence – this may be another HSR, WHS Advisor or Manager, or a Group Safety Coordinator; or
 - 9.2. external to Defence – this may be a WHS consultant, a specialist with technical skills (eg an occupational hygienist or electrical engineer), or a union official.
10. The person providing assistance to the HSR may enter the workplace. The HSR must escort – or arrange an escort for – the person providing assistance, continuously whilst on Defence property. The HSR or other escort must have an appropriate security clearance for the workplace.
11. A union official assisting a HSR may also be a WHS Entry Permit Holder. However, when providing assistance to a HSR under this provision, the person cannot exercise any of the rights of a WHS Entry Permit Holder. If they seek to exercise these rights, they must arrange to re-enter the workplace as a WHS Entry Permit Holder and adhere to the entry requirements contained in SafetyMan, WHS Management and Consultative Arrangements Procedure 06 - WHS Issue Resolution.

Resources, facilities and assistance for HSRs

12. In accordance with section 70 of the WHS Act, Defence will provide any resources, facilities and assistance that are reasonably necessary to enable HSRs to carry out their functions and exercise their powers. Defence will provide HSRs:
 - 12.1. time away from their normal duties and appropriate resources and access to facilities to undertake their health and safety functions;

- 12.2. with the pay and entitlements they would have otherwise received, had they not been engaged in HSR activities; and
- 12.3. access to office equipment. This may include, but is not limited to: photocopiers, stationery, private space for interviews/discussions, secure filing (both electronic and physical), telephone and internet access and if required access to transport or travel reimbursement/funding to commute between workplaces.

HSR immunity

13. Section 66 of the WHS Act states:

A health and safety representative is not personally liable for anything done or omitted to be done in good faith:

- (a) in exercising a power or performing a function under this Act; or
- (b) in the reasonable belief that the thing was done or omitted to be done in the exercise of a power or the performance of a function under this Act.

References and related documents

[Work Health and Safety Act 2011](#)

SafetyMan, [WHS Management and Consultative Arrangements Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 01 - Work Groups](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 02 - Health and Safety Representative Elections](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 04 - Health and Safety Representative Training](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 05 - Health and Safety Committees](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 06 - WHS Issue Resolution](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 07 - Unsafe Work](#)

Health and Safety Representative Handbook: A Guide for HSRs in the Commonwealth Jurisdiction via [Comcare Publications, Safety and Prevention](#) pages

[Health and Safety Representatives \(HSR\) Hub](#) page

Joint Framework for Base Accountabilities, Strategic Intent Statement – downloadable PDF – via [Joint Framework for Base Accountabilities](#) (JFBA) home

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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training

Introduction

1. This procedure provides general and specific information on the training process of elected health and safety representatives (HSRs). The procedure relates to SafetyMan, WHS Management and Consultative Arrangement Policy and Guidance.
2. Under the *Work Health and Safety Act 2011* (WHS Act), a HSR can only exercise their power to issue Provisional Improvement Notices (PINs) and cessation of unsafe work notices if the person acting within the role has undertaken HSR training approved by the Regulator. However, a HSR cannot issue an improvement notice in relation to a matter if an inspector has already issued or decided not to issue an improvement notice or prohibition notice for the same matter.
3. Defence recommends that in order to be effective HSRs attend Comcare accredited HSR training as soon as practicable, and within three months of being elected.

Scope

4. This procedure details Defence HSR training recommendations and management obligations.

Training requirements

5. Defence strongly recommends HSRs complete the following Comcare accredited HSR training:
 - 5.1. a Comcare approved initial training course of five days duration; and
 - 5.2. annual refresher training of one day, with the entitlement to undertake the training commencing one year after completion of initial training.
6. HSRs who have previously undertaken Comcare accredited training may attend Comcare approved refresher training as detailed above.
7. Although not mandated, Defence recommends that their HSRs attend Comcare approved HSR training to be able to exercise their full powers and function – in particular, sections 85 to 90 of the WHS Act.
8. If a HSR, trained in the initial 5-day training leaves the work group, for any reason other than permanent disqualification, and is re-elected as a HSR for another Defence work group, it is recommended they attend the 1-day refresher course in their first year of office.
9. The following PMKeyS course and proficiency codes are to be used for recording HSR training completions on an individual's PMKeyS training record:

Course	Course Code	Proficiency Number
HSR 5-day training course	212955	P114507
HSR 1-day annual refresher course	212956	P114508



10. It is the responsibility of the HSRs, safety advisors and Group Safety Coordinators to ensure HSR training completions are verified and PMKeyS training records are updated and maintained. In the absence of a local PMKeyS Professional Training and Development Transactor to update employees training records, HSRs can forward a scanned copy of their Certificate of Completion to delta.externaltrainingcomp@defence.gov.au to be recorded on their individual PMKeyS training record. HSRs with no PMKeyS record (for example, contractors) should retain their certificate of completion and provide a copy to their supervisor or manager.
11. All current or newly elected Defence HSRs are responsible for locating and nominating for suitable HSR training. The current list of providers approved by Comcare to deliver HSR training courses throughout Australia is available on Comcare's website (see References and related documents).
12. Defence must release the HSR to attend requested Comcare accredited HSR training as soon as practicable, but within three months of having made the request for training.
13. If requested by an elected HSR, People Group Work Health and Safety Branch will fund the course fees for the training specified in paragraph 5.1 and 5.2 above. The HSR's Group or Service remains responsible for all other costs associated with attending the training and associated with that role/function, such as travel and accommodation costs (if required) at the closest training venue, based on best value for money. The funding arrangements described in this paragraph apply equally to a Defence contractor elected as a Defence HSR.
14. ROMAN codes for payment of course fees can be obtained by emailing a completed PT076 Training or Development Activity Nomination and Completion form to: dpg.whs@defence.gov.au. The email subject should be: Request for HSR Course Funding - Title Surname Initials.
15. Additionally, Defence must pay the HSR at their normal salary rate for reasonable attendance on courses of health and safety information, training, or instruction.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [WHS Management and Consultative Arrangements Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 01 – Work Groups](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 02 – Health and Safety Representative Elections](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 05 – Health and Safety Committees](#)

SafetyMan, [WHS Management and Consultative Arrangements
Procedure 06 – WHS Issue Resolution](#)

SafetyMan, [WHS Management and Consultative Arrangements
Procedure 07 – Unsafe Work](#)

[HSR Training](#), on the Comcare Health and safety representatives (HSRs)
page

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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 05 – Health and Safety Committees

Introduction

1. This procedure provides general and specific information on health and safety committees. This procedure relates to SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance.
2. Consultative mechanisms are layered within Defence to ensure workers are represented at all levels. Group and Service Work Health and Safety (WHS) committees meet regularly and discuss specific WHS issues relevant to their areas of operation. Base or regional WHS committees deal with regional WHS matters to improve health and safety outcomes.
3. WHS committees may also be established at unit and workplaces. Health and safety representatives (HSRs) may serve on unit and workplace WHS committees with the agreement of the Unit Commanding Officer/Workplace Manager. These WHS committees, while established to assist the management of WHS across Defence, do not strictly meet the intent of the *Work Health and Safety Act 2011* (WHS Act) regarding consultation. Workers may request to establish a health and safety committee as described in the WHS Act.
4. Under the WHS Act, Defence must set up a health and safety committee for its workers within two months of being requested to do so by:
 - 4.1. a health and safety representative (HSR) for a work group;
 - 4.2. five or more workers at that workplace, or
 - 4.3. if required by the Work Health and Safety Regulations 2011 (WHS Regulations) to do so.
5. Defence may establish a health and safety committee at any time on its own initiative.

Scope

6. This procedure details the constitution of health and safety committees.

Constitution of health and safety committees

7. The constitution of a health and safety committee may be agreed to by Defence and the workers at a workplace in accordance with the WHS Act, section 76. This includes establishing terms of reference to govern the committee's membership, authority and relevant resources in order to achieve the committee's purpose.
8. Health and safety committees should, at a minimum, be comprised of the following members:
 - 8.1. a HSR who has consented to be a member; and
 - 8.2. if there are two or more HSRs at a workplace, those representatives at a workplace may choose one or more of their number (who consent) to be members of the committee.
9. Ideally, membership should also include senior or line managers who have the authority to make decisions about improvements to health and safety and have a good knowledge of Defence.



10. The membership of a health and safety committee may vary based on the size of a workplace, but six to twelve members is a good size to ensure the committee remains effective through quick resolution to problems.

Functions of health and safety committees

11. The functions of health and safety committees are:
 - 11.1. to facilitate cooperation between Defence and its workers in instigating, developing and carrying out measures designed to ensure the workers' health and safety at work;
 - 11.2. to assist in developing standards, rules and procedures relating to health and safety that are followed, or complied with, at the workplace; and
 - 11.3. any other functions prescribed by the WHS Regulations or agreed between Defence and the health and safety committee.

Health and safety committee meetings

12. Defence health and safety committees must meet at a minimum of once every three months. Committees should also meet at any reasonable time at the request of at least half of the members of the committee.

Role of the committee member

13. As a health and safety committee member you should ensure that you:
 - 13.1. regularly attend meetings;
 - 13.2. actively participate in meetings;
 - 13.3. represent the views of workers; and
 - 13.4. keep up-to-date with health and safety matters.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [WHS Management and Consultative Arrangements Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 01 – Work Groups](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 02 – Health and Safety Representative Elections](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training](#)

SafetyMan, [WHS Management and Consultative Arrangements
Procedure 06 – WHS Issue Resolution](#)

SafetyMan, [WHS Management and Consultative Arrangements
Procedure 07 – Unsafe Work](#)

[Participating in Effective Health and Safety Committees - A Guide for
Committee Members](#), Comcare PDF

Document	SafetyMan, WHS Management and Consultative Arrangements Procedure 05 – Health and Safety Committees
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Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 06 – WHS Issue Resolution

Introduction

1. This procedure provides general and specific information on work health and safety (WHS) issue resolution and relates to SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance. In particular, the procedure describes the consultation mechanisms involving a health and safety representative (HSR), *if elected*.

Issue resolution

2. In Defence, it is expected that issues and complaints are resolved as close to the source of the issue within the Group or Service chain of command. The Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice shows various ways to consult workers (Chapter 4 – How to Consult Workers). Established WHS consultative arrangements with steps for issue resolution demonstrate a *positive safety culture*.
3. The WHS issue resolution process described in this procedure only applies if an agreed solution cannot be reached quickly by all parties.
4. If the consultative arrangements detailed in this procedure and the parent policy have not been requested and enacted – such as no defined work groups, or elected HSR – then the person conducting the business or undertaking (PCBU) or their representative should promptly:
 - 4.1. refer any unresolvable WHS issue to a WHS committee for immediate advice/corrective action;
 - 4.2. establish the arrangements outlined here after consulting workers; and
 - 4.3. document the steps taken to achieve those arrangements.
5. **Parties.** The term 'parties', in relation to an issue, means the following:
 - 5.1. the person conducting the business or undertaking (PCBU) or their representative;
 - 5.2. where more than one PCBU is involved, each PCBU or their representative;
 - 5.3. a WHS committee;
 - 5.4. a HSR and other support person, as detailed in SafetyMan, WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions; and
 - 5.5. in the affected work group:
 - 5.5.1. entry permit holders; and
 - 5.5.2. the worker/s or their representative, where there is no work group.
6. **HSR.** If approached by a member of their work group to assist in resolving an issue, the HSR, *if elected*, should ascertain whether the issue has already been raised with the supervisor, if practicable, or the chain of command.



7. **Notification.** The issue resolution process begins when any party notifies any other involved party of an issue that needs to be resolved, including the scope and nature of the issue. If the matter is complex or contentious, then a HSR or WHS professional – such as a safety advisor or WHS officer – should be consulted beforehand. Any verbal notification should be repeated in writing.
8. **Discussion.** Once advised, all parties must meet or communicate, and attempt to resolve the issue. Discussions must have regard to:
 - 8.1. the degree and immediacy – the potential to cause injury or harm to people – of risk to workers and other persons affected by the issue – determined by the potential to cause injury or harm to someone;
 - 8.2. the number and location of workers and other persons affected by the issue;
 - 8.3. temporary and permanent measures that must be implemented to resolve the issue; and
 - 8.4. who will be responsible for implementing the resolution measures.
9. **Representative of the PCBU.** Group Heads and Service Chiefs must ensure that the representative of the PCBU has an appropriate level of seniority and sufficient competence and authority to resolve the issue. Preliminary advice should be sought from the Defence WHS Branch – email dpg.whs@defence.gov.au.
10. **Agreement.** Once all parties have reached a solution, the representative of the PCBU should record the details in a written agreement and provide copies to all parties, including the HSR if requested.
11. **Action.** If immediate action is required to ensure safety, then it should proceed. Otherwise, all parties should sign the written agreement before any corrective action is commenced.
12. **Disagreement.** If a WHS issue cannot be resolved locally, then any party may seek intervention by the WHS regulator, Comcare. Comcare can appoint an inspector to visit the workplace and facilitate agreement.
13. **Comcare inspection.** On attending a workplace, a Comcare inspector may exercise any of the inspector's compliance powers under the *Work Health and Safety Act 2011* (WHS Act), in relation to the workplace.
14. **Compliance.** On attending a workplace, a Comcare inspector may exercise any of the inspector's compliance powers under the WHS Act, in relation to the workplace.
15. **Unsafe work.** A request to Comcare does not prevent:
 - 15.1. a worker from exercising the right under the WHS Act to cease unsafe work;
 - 15.2. a trained HSR from issuing a provisional improvement notice (PIN) or a direction under the WHS Act to cease unsafe work; and
 - 15.3. a WHS entry permit holder from entering a workplace for the purpose of inquiring into a suspected contravention of the WHS Act, that relates to, or affects, a relevant worker.
16. To avoid doubt, nothing in this procedure prevents a worker from bringing a WHS issue to the attention of their representative.

Entry permit holders

17. WHS entry permit holders are union officials who have completed an approved training course and hold, or will hold, an entry permit under the *Fair Work Act 2009*.

18. Pursuant to Part 7, Division 2, of the WHS Act, WHS entry permit holders can enter a Defence workplace during its usual working hours to:
 - 18.1. investigate a suspected contravention of the WHS Act without prior notice;
 - 18.2. inspect any work system, plant, substance, structure or other thing that is relevant to a suspected contravention;
 - 18.3. talk with any worker who is entitled to be represented by the union;
 - 18.4. consult with the relevant PCBU;
 - 18.5. warn anyone they reasonably believe is exposed to a serious health or safety risk; and
 - 18.6. with approval, inspect and copy relevant records or documents kept at the workplace in hard copy, or stored on a computer. The inspection and copying of information must comply with Defence Security Principals Framework, and the Defence Privacy Policy.
19. **Notice of intent.** Defence requires all WHS entry permit holders to provide notification of intent to enter by emailing the Defence WHS Branch – dpg.whs@defence.gov.au – at least 24 hours prior to the time of requested entry. WHS Branch will contact the workplace and the entry permit holder to encourage cooperation.
20. The WHS Entry Permit Holder must organize a Defence employee to escort them whilst visiting a Defence workplace. This employee is to have the relevant security classification for the workplace being accessed.
21. Any concerns that WHS entry permit holders may encounter when seeking a suitable escort, should be referred to the Defence WHS Branch via email: dpg.whs@defence.gov.au.

References and related documents

[Fair Work Act 2009](#)

[Work Health and Safety Act 2011](#)

[Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

[Defence Security Principles Framework](#) page

[Defence Privacy Service](#) page

[Health and Safety Representatives \(HSR\) Hub](#) page

[Work Health and Safety Entry Permit Holders](#), Comcare page

Document	SafetyMan, WHS Management and Consultative Arrangements Procedure 06 - WHS Issue Resolution
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Version	3.0



Defence People Policy, SafetyMan

WHS Management and Consultative Arrangements Procedure 07 – Unsafe Work

Introduction

1. This procedure provides general and specific information on the right to cease unsafe work, or to direct the cessation of unsafe work and relates to SafetyMan, WHS Management and Consultative Arrangements Policy and Guidance.

Scope

2. This procedure applies to all Defence workers, as defined in the *Work Health and Safety Act 2011* (WHS Act), section 7.
3. Through a declaration made by the Chief of the Defence Force under the WHS Act, section 12D(2), not to prejudice Australia's defence (Annex A), Australian Defence Force (ADF) members in their roles as workers are not subject to these legislative provisions.

Cease or direct the cessation of unsafe work

4. A worker may cease, or refuse to carry out work they believe would expose them to a serious risk to their health or safety, due to an immediate or imminent exposure to a hazard.
5. The HSR may direct a worker in their work group to cease work when they have a reasonable concern that to carry out that work would expose them to a serious risk to their health or safety, due to an immediate or imminent exposure to a hazard.
6. The HSR of a work group cannot issue a direction to cease work unless they have:
 - 6.1. completed Comcare accredited HSR training. See SafetyMan, WHS Management and Consultative Arrangements Procedure 04 - Health and Safety Representative Training; and
 - 6.2. made all possible attempts to resolve the matter with Defence or the involved person conducting a business or undertaking (PCBU) when working in a workplace that includes contracted workers working for a private company. HSRs must consult with the person who is responsible for the workers who are carrying out the work for Defence or the contracted company on behalf of Defence; and
 - 6.3. not been successful in their attempts to resolve the issue, using the issue resolution process (including escalating the matter to People Group Work Health and Safety Branch). Further information can be found in SafetyMan, WHS Management and Consultative Arrangements Procedure 06 - WHS Issue Resolution; or
 - 6.4. consider the risk to be so serious and present an immediate or an imminent threat to the worker/s, that it is not reasonable to consult before giving the direction to cease work.
7. Defence management, a HSR, or any worker may escalate the matter to People Group work Health and Safety Branch for issue resolution assistance in the first instance, where practicable.
8. Defence management, a HSR or any worker may approach the Regulator, and request the appointment of an inspector to attend the workplace to help resolve an issue that has arisen due to a cessation of work at that workplace.



9. Defence is legally permitted to direct a worker to carry out suitable alternative work should the worker cease unsafe work; until it is safe to resume normal duties. Their continuity of employment cannot be affected where the worker has reasonably tried to perform alternative work at the same or another workplace that was safe and appropriate.
10. When the HSR for a work group has chosen to direct the cessation of work pursuant to paragraph 6.4 above, the HSR must notify Defence. There are workplaces where Defence personnel and contracted personnel work together to deliver Defence outputs. In these circumstances when the HSR directs the cessation of work pursuant to paragraph 6.4, both Defence and the contractor's PCBU must be notified as soon as practicable.
11. When a worker ceases unsafe work, they must notify the PCBU(s) as soon as practicable; unless they were directed to cease work by a HSR.
12. Should the worker cease unsafe work, the worker is to remain available to perform alternative suitable work. ADF members who manage and supervise Defence APS, ADF Cadets and contractors are bound to adhere to the provisions in this procedure for all workers under their control.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [WHS Management and Consultative Arrangements Policy and Guidance](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 01 – Work Groups](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 02 – Health and Safety Representative Elections](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 05 – Health and Safety Committees](#)

SafetyMan, [WHS Management and Consultative Arrangements Procedure 06 – WHS Issue Resolution](#)

Document	SafetyMan, WHS Management and Consultative Arrangements Procedure 07 – Unsafe Work
Content owner	Work Health and Safety Branch
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Version	2.1



Defence People Policy, SafetyMan

Defence Work Health and Safety Policy

Policy statement

1. SafetyMan is the primary source of Work Health and Safety policy for Defence and is to be used in conjunction with work health and safety legislation.

Scope

2. This policy applies to all Defence workers, including ADF personnel, APS employees, ADF cadets and people involved in other Defence supported youth programs, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. This policy is only enforceable when workers are undertaking activities for or on behalf of Defence.
5. Defence Instruction – Administrative Policy provides the authority for the Defence Safety Manual (SafetyMan) as the primary source for enterprise level work health and safety policy for Defence.
6. This policy provides the parameters within which officers of the person conducting a business or undertaking and workers must cooperate to address and resolve all work health and safety issues in Defence workplaces.
7. All Groups and Services must comply with SafetyMan policies.
8. Any Group or Service, which considers that the nature of its workplace does not allow compliance with either the *Work Health and Safety Act 2011* (the Act) or SafetyMan, will notify the Assistant Secretary Work Health and Safety. Following notification of a non-compliant workplace, the Assistant Secretary Work Health and Safety may obtain additional guidance from the relevant regulatory bodies (Comcare or Australian Radiation Protection and Nuclear Safety Agency). In these circumstances the workplace is to meet the requirements of the policies so far as is reasonably practicable, and refer to their specific single Group or Service documents.
9. Breaching the requirements of SafetyMan may constitute a breach of the Act or Work Health and Safety Regulations 2011 and lead to prosecution of individuals and/or Defence.

References and related documents

10. [Work Health and Safety Act 2011](#)
11. [Work Health and Safety Regulations 2011](#)
12. [Defence Instruction – Administrative Policy](#)
13. [Comcare](#)
14. [Australian Radiation Protection and Nuclear Safety Agency](#)



15. [Defence Work Health and Safety intranet site](#)

Document Reference:	SafetyMan - Work Health and Safety Policy		
Policy Owner:	Work Health and Safety Branch		
Date Published:	10 December 2020		
Objective ID:	AB36411834	Version:	1.2



Defence People Policy, SafetyMan

Due Diligence Policy

Policy statement

1. Under the *Work Health and Safety Act 2011*, Defence has designated the Secretary of the Department of Defence, the Chief of the Defence Force, the Associate Secretary, Vice Chief of the Defence Force and all Group Heads and Service Chiefs, as officers of the Person Conducting a Business or Undertaking, and must exercise due diligence to ensure that their workers comply with *the Work Health and Safety Act 2011*. All workers must support these officers in performing their duty.

Scope

2. This policy applies to all Defence workers including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. Officers of the Person Conducting a Business or Undertaking detailed in paragraph 1 must consult with all other duty holders under the *Work Health and Safety Act 2011* (workers, designers, manufacturers, suppliers, other Person Conducting a Business or Undertaking) and cooperate and coordinate with any other person who also has a work health and safety duty for the same matter. Further information regarding specific duty holders in the Department of Defence can be found in *SafetyMan – Roles, Responsibilities and Accountabilities Policy*.
5. Officers of the Person Conducting a Business or Undertaking must exercise due diligence by taking proactive steps to understand and manage risks to their workforce. Their obligations listed below cannot be transferred or delegated to others and are in addition to their responsibilities as workers. For Defence, officers of the Person Conducting a Business or Undertaking must:
 - 5.1. acquire and keep up-to-date knowledge of work health and safety matters;
 - 5.2. gain an understanding of the nature of the activities of Defence and generally of the hazards and risks associated with those activities;
 - 5.3. ensure that Defence has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work performed to conduct the business or undertaking; ensure that Defence has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding to these in a timely manner;
 - 5.5. ensure that Defence has, and implements, processes for complying with any duty or obligation of the Person Conducting a Business or Undertaking under the *Work Health and Safety Act 2011*; and
 - 5.6. verify the provision and use of the resources and processes to reduce the risk to workers to so far as is reasonably practicable.
6. Officers of the Person Conducting a Business or Undertaking are to develop, maintain and evaluate due diligence frameworks for managing the risks within their span of control,



taking account of their roles and responsibilities and the people and operation of their Group/Service.

7. Officers of the Person Conducting a Business or Undertaking due diligence frameworks are to cover each of these aspects within the span of control:
 - 7.1. personnel;
 - 7.2. business activities;
 - 7.3. procurement of goods and services;
 - 7.4. mechanisms for vertical and horizontal consultation; and
 - 7.5. assurance processes.
8. The Defence Work Health and Safety Officer Due Diligence Framework 2018 (Annex A) serves as guidance to support officers in developing their own due diligence arrangements.

References and related documents

9. [Work Health and Safety Act 2011](#)
 - 9.1. Section 27 – Duty of officers
 - 9.2. Section 47- Duty to consult workers
 - 9.3. Section 247 - Officers
10. *SafetyMan – Work Health and Safety Roles, Responsibilities and Accountabilities Policy*
11. [Comcare publication – Guidance for Officers Exercising Due Diligence](#)
12. [Safe Work Australia, Interpretive Guideline – Model Work Health and Safety Act – The Health and Safety Duty of an Officer Under Section 27](#)
13. [Due Diligence: Duty of Officers, Michael Tooma](#), CCH 2012 (available through the Defence Library Service)

Annex

- A. The Defence Work Health and Safety Officer Due Diligence Framework 2018
- B. The Defence Officer Framework

Document Reference:	Due Diligence Policy and Guidance		
Policy Owner:	Work Health and Safety Branch		
Date Published:	20 June 2019		
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Annex A

Defence Work Health and Safety Officer Due Diligence Framework 2018

Introduction

1. The Commonwealth of Australia, in the right of the Department of Defence, is the Person Conducting the Business or Undertaking for the purposes of the *Work Health and Safety Act 2011* in relation to the Australian Defence Organisation (Defence).
2. Section 247 of the *Work Health and Safety Act 2011* defines an Officer of the Commonwealth as '*a person who makes, or participates in making, decisions that affect the whole or a substantial part of a business or undertaking of the Commonwealth*'.
3. Defence as a whole organisation, and any substantial part of Defence, would be considered to be a '*substantial part of a business or undertaking of the Commonwealth*' for the purposes of Section 247 of the *Work Health and Safety Act 2011*. Officers of the Person Conducting a Business or Undertaking (Officers) have a duty to exercise due diligence to ensure that Defence complies with its duties and obligations under the *Work Health and Safety Act 2011*.
4. Officers are individuals that have a level of influence in the business or undertaking that allows them to provide for, and sustain, the resources and procedures that affect a substantial part of Defence, including the management of health and safety. Officers are those who have governance responsibilities for the entire organisation, and can, through their leadership roles, promote a safety culture within the organisation.
5. The *Work Health and Safety Act 2011* introduced due diligence duties for Officers. In 2012, Defence designated the Secretary, the Chief of the Defence Force, Associate Secretary, Vice Chief of the Defence Force and all Group Heads and Service Chiefs as Officers of the Person Conducting a Business or Undertaking. Since then, there has been no significant case law or legislative amendments to warrant major changes to the Defence Officer Framework. The graph at the end of this framework provides a graphical representation of the current designated Officers in Defence.
6. Under the *Work Health and Safety Act 2011*, due diligence is a duty that is imposed on Officers personally. It is separate to the duty imposed on Defence, and cannot be transferred, delegated or insured against.
7. A breach of the due diligence duty is a criminal offence attracting a maximum penalty of \$600,000 and/or up to 5 years' imprisonment.
8. It is also noted that everyone in the workplace is a worker. Workers have a personal responsibility to take reasonable care of their own health and safety, and that of others. Failure to take reasonable care imposed on workers would attract a maximum penalty of \$300,000 and/or up to 5 years' imprisonment.

Due diligence

9. Due diligence is defined under subsection 27 (5) of the *Work Health and Safety Act 2011*; due diligence is an active and individual responsibility that officers must discharge and cannot transfer or delegate. It is up to each individual officer to establish mechanisms that are reasonably practicable for them to ensure they effectively meet

their due diligence obligations. The below serves as guidance aimed to support officers in developing their own due diligence arrangements.

10. Officers in Defence are required to meet due diligence in two ways:

- a. as a part of the decision making process for the whole of Defence both individually and collectively through committees; and
- b. individually through the decision making and management of their respective organisation or business.

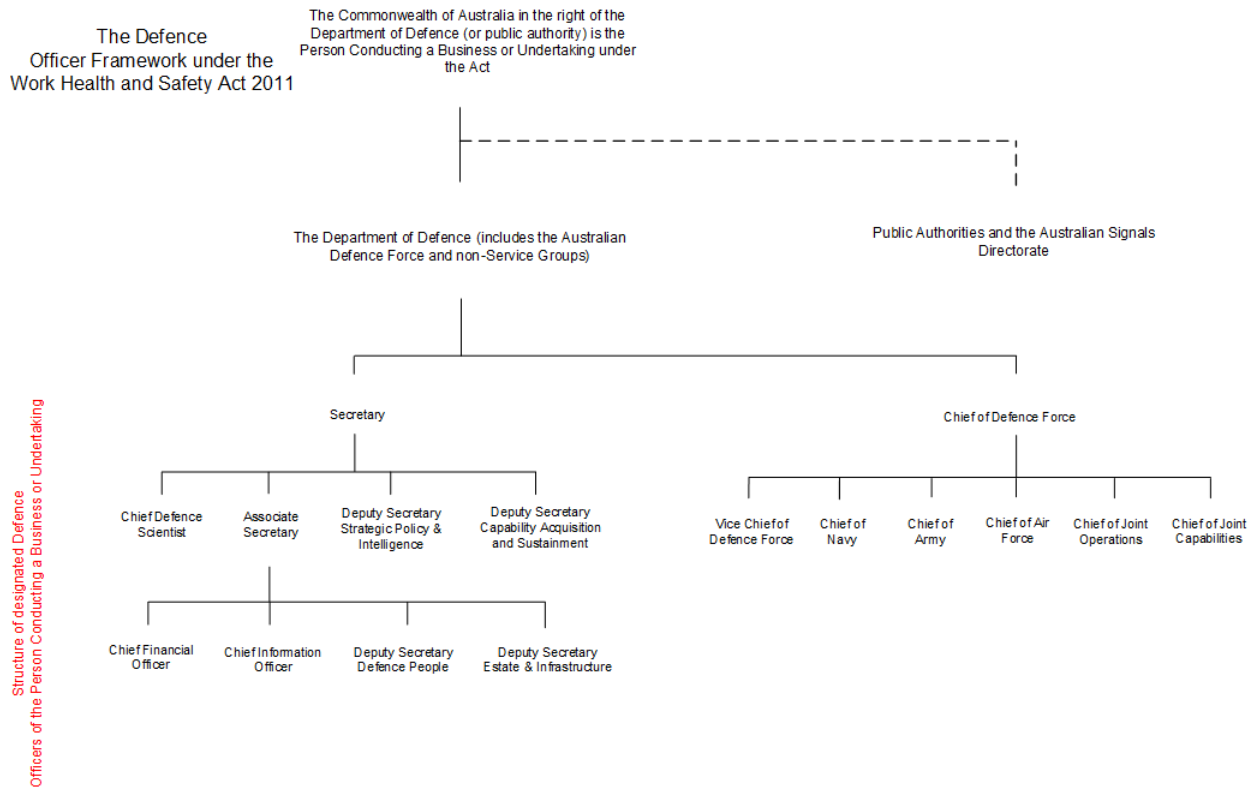
This duality requires that officers take an active role in horizontal consultation with other designated officers to ensure that best practices are being adopted across the Defence enterprise.

11. In the Defence context, due diligence includes taking steps, so far as reasonably practicable, to:

- a. acquire and keep up-to-date knowledge of work health and safety matters. This might include;
 - i. gaining knowledge of the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2011*, relevant codes of practice and using them to inform policy and processes used in your workplace;
 - ii. monitoring and understanding how external events might impact on the safe operations of Defence or your organisation;
 - iii. understanding where, and how, to access Defence work health and safety policies (Safetyman etc.), supporting resources and understanding how these apply to Defence and your organisation; and
 - iv. receiving, understanding and utilising work health and safety performance reports to inform decision making.
- b. gain an understanding of the nature of the operations of the business or undertaking of Defence and your organisation, and generally of the hazards and risks associated with those operations. This might include;
 - i. using work health and safety committees, and other forums, to consult with other Officers within Defence to ensure best practices are being developed; and
 - ii. obtaining safety information from within, and external to, Defence and considering the critical safety risks and major hazards across Defence and your organisation.
- c. ensure that Defence has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out. This might include;
 - i. ensuring that decisions you make, or take part in making, have considered the safety of workers and the safety of those who may be affected by those decisions (public, other organisations etc.); and
 - ii. ensuring that work health and safety issues and resourcing implications are taken into account in the design and approval of new or changed programs.
- d. ensure that Defence has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information. This might include;

- i. requesting and scrutinising work health and safety reports for trends and potential opportunities for improvement within Defence and your organisation; and
 - ii. actively take part in the response and action of significant work health and safety issues that occur within Defence or your organisation.
 - e. ensure that Defence has, and implements, processes for complying with any duty or obligation of the Person Conducting the Business or Undertaking under the *Work Health and Safety Act 2011*. This might include;
 - i. addressing non-compliance with the *Work Health and Safety Act 2011* brought to your attention in a rapid and effective manner;
 - ii. ensuring that workplace audits are conducted, hazards identified and assessed to proactively identify opportunities for ongoing improvement and development within your organisation;
 - iii. ensuring that corrective actions and recommendations from safety audit and assurance activities are implemented in a timely and effective manner; and
 - iv. ensuring the ongoing monitoring of risks, hazards and their controls are being conducted in a workplace to maintain a high level of safety performance.
 - f. ensure that Defence verifies the provision and use of the resources and processes referred to in paragraphs (a) to (e) . This might include;
 - i. scrutinising information provided in work health and safety reports and verifying that the appropriate level of resources are in place to meet the requirements of Defence and your organisation; and
 - ii. understanding what affect a new process may have on existing infrastructure and ensuring that safety is not negatively impacted.
12. Officers must act in a manner that is consistent with Defence delegations and procedures and their decisions must align with the strategic importance, risk, and governance associated with the undertaking of Defence.
13. Horizontal consultation requires officers to consult, cooperate and coordinate their activities with other duty holders (those designated in this framework) and those who may have a duty in relation to the same matter, including contractors. Officers must also consult with workers as required on health and safety matters so far as is reasonably practicable.
14. All Defence personnel are workers under the *Work Health and Safety Act 2011*, and are required to exercise reasonable care for the health and safety of themselves and other, an obligation for which they may be held personally liable and prosecuted.
15. Defence's designation of officers is an internal guidance only, and will not bind prosecuting authorities or a court. It is possible that other Defence personnel, by virtue of their role or specific activities, be deemed as officers.
16. Regardless of the designation of officers under the Act by this framework, all Defence Senior Executive Service personnel and senior military officers play an important part in the Defence undertaking; and should, so far as reasonably practicable, exercise due diligence when making, or participating in making, decisions that concern the safety of personnel. This is can be achieved by taking the reasonable steps listed in paragraph 11, in relation to their specific areas of responsibilities.

The Defence Officer Framework





Defence People Policy, SafetyMan

Emergency Preparedness and Management Policy

Policy statement

1. In the event of an emergency, Defence will respond quickly and effectively to protect its people and capability. To comply with the Work Health and Safety Regulations 2011, Regulation 43 – Duty to prepare, maintain and implement emergency plan, Defence will prepare, maintain and implement plans and procedures specific to the workplace.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. This policy applies to all workplaces and/or common areas on Defence bases, including sites and workplaces associated with ADF processes in relation to operations (eg combat-related operations, Defence Assistance to the Civil Community, etc.), substances (eg explosive ordnance, fuels etc.), platforms, plant or equipment, and any installation of land or water (eg aircraft, ships, heavy vehicles, artillery etc.). A workplace is defined as a place where work is carried out for the business or undertaking.
5. Defence Base Emergency Management and Incident Response within Estate and Infrastructure Group develop, maintain and manage base and individual workplace emergency arrangements including:
 - 5.1. planning;
 - 5.2. governance;
 - 5.3. incident procedural guidance;
 - 5.4. educational products;
 - 5.5. support tools; and
 - 5.6. templates.
6. The emergency plan must provide for all emergency procedures, including:
 - 6.1. evacuation procedures;
 - 6.2. notifying emergency service organisation's at the earliest opportunity;
 - 6.3. medical treatment and assistance;
 - 6.4. effective communication between the person coordinating the emergency response authorised by the relevant Groups and Services and all persons at the workplace, in accordance with Work Health and Safety Regulation 2011, Regulation 43 – Duty to prepare, maintain and implement emergency plan;
 - 6.5. testing of the emergency procedures, including the frequency of testing; and



- 6.6. information, training and instruction to relevant workers in relation to implementing the emergency procedures.
7. The emergency plan must remain effective and be activated in the event of an emergency. All relevant matters should be considered in the development of the plan, including:
 - 7.1. the nature of the work being done at the workplace;
 - 7.2. the nature of the hazards at the workplace;
 - 7.3. the size and location of the workplace; and
 - 7.4. the number and composition of the workers and other persons at the workplace.
8. Work health and safety legislation requires emergency procedures to be developed for specific hazards or hazardous workplace conditions such as hazardous chemicals and confined spaces. These procedures are to be included as annexes to the emergency plan.
9. In Defence, emergency management and response arrangements are managed as part of the base work health and safety management system in accordance with SafetyMan – Base Work Health and Safety Management System Accountabilities Policy and Guidance.
10. Base personnel appointed to warden roles within base emergency response teams must be provided the necessary time, information and/or specific training and equipment to activate responses to physical security and/or safety incidents occurring at the base and individual workplace.
11. Further information, training and instruction on how to develop and implement emergency procedures can be found in *Australian Standard - AS3745:2010 - Planning for Emergencies in Facilities*.

Roles and responsibilities

12. Group Heads and Service Chiefs (as officers of the Person Conducting a Business or Undertaking) are responsible for allocating sufficient resources to implement the requirements of this policy to effectively manage emergency preparedness and response.
13. The relevant Group Heads and Service Chiefs are responsible for maintaining emergency plans and procedures.
14. Commanders/supervisors and managers must take all practicable steps to protect the health and safety of workers. They have a responsibility to:
 - 14.1. understand how emergency management affects their workers and the work being performed;
 - 14.2. consult with workers to identify, assess and control workplace hazards and risks;
 - 14.3. provide all workers with appropriate information, education, training, instruction and supervision; and
 - 14.4. implement improvements to reduce work related risks, so far as is reasonably practicable, to acceptable levels.
15. All workers have a responsibility to:
 - 15.1. take all reasonably practicable steps to safeguard their own health and safety and the safety of others in the workplace;
 - 15.2. understand and follow established safe work practices and procedures, participate in appropriate training and hazard identification, and control risks arising from emergency related hazards in accordance with guidance;

- 15.3. know who their warden is in the event of an emergency and be familiar with emergency plans and procedures associated to their work environment;
 - 15.4. advise supervisors of any perceived risk that could increase exposure to injury or illness;
 - 15.5. monitor themselves and their fellow workers, and take action when they observe elevated risks to themselves or others; and
 - 15.6. report events that caused, or could have caused, injury or illness.
16. Group and Service business and operational units who have management oversight of hazards or hazardous conditions which require specific emergency provisions in accordance with work health and safety legislation are to ensure these requirements are incorporated into local emergency procedures and included in the base emergency management plan.

Further Guidance

- 17. Defence Base Emergency Management and Incident Response within Estate and Infrastructure Group maintain duty statements, selection criteria and recommended units of competency for members of an emergency control organisation team.
- 18. Emergency control organisation wardens requiring further information relating to policy, technical advice and warden awareness information should refer to the [Defence Base Emergency Management and Incident Response](#) website.

References and related documents

- 19. [Work Health and Safety Act 2011](#)
- 20. [Work Health and Safety Regulations 2011](#), Regulation 43 – Duty to prepare, maintain and implement emergency plan
- 21. [Australian Standard - AS 3745-2010 - Planning for Emergencies in Facilities](#)
- 22. [SafetyMan - Base Work Health and Safety Management System Accountabilities Policy and Guidance](#)
- 23. [Joint Directive 01/19: Implementation of the Joint Framework for Base Accountabilities](#)

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Defence People Policy, SafetyMan

First Aid Policy

Policy statement

1. Defence will provide first aid assistance to *any person* suffering from an injury or illness that occurs in a Defence workplace.

Scope

2. This policy applies to all Defence workers, including ADF personnel, APS employees, ADF cadets, contractors and other persons.
3. The applicability of this policy to contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. Pursuant to the WHS Regulations (section 42), Defence must ensure the provision of appropriate first aid resources, including:
 - 4.1. that an adequate number of workers are trained to administer first aid and workers have access to a first aider;
 - 4.2. the provision of first aid equipment (for example, first aid kits and other medical devices) for all workplaces and that each worker has access to this equipment; and
 - 4.3. access to facilities (for example, first aid rooms or other medical facilities) for the administration of first aid.
5. Defence will establish and maintain first aid resources as recommended in the First Aid in the Workplace Code of Practice 2015 (the CoP), at all times.
 - 5.1. The authority for Defence health professionals to provide primary health care to ADF members is provided by the Defence Health Manual (DHM), Volume 1, Part 4, Chapter 2, 'Provision of Health Care'.
 - 5.2. Information for personnel who provide health services or health support to civilians is contained in the DHM, Volume 2, Part 4, Chapter 7, 'Health Support to Civilians in Australia'.
6. **Training principle.** The Defence principle on first aid training is that first aiders should hold nationally recognised Statement/s of Attainment issued by a Registered Training Organisation (RTO) for the nationally endorsed first aid unit/s of competency.
7. **Equipment principles.** The Defence principles on first aid equipment are:
 - 7.1. As a minimum standard, contents of first aid kits will meet those detailed in the CoP. Further guidance is available at SafetyMan, First Aid Procedure 01 – First Aid Resource Requirements.
 - 7.2. The resupply and maintenance of all first aid kits and equipment is the responsibility of the appointed first aider, through their respective Group or Service.
 - 7.3. **Automated external defibrillator.** The requirement for an automated external defibrillator (AED) in any Defence workplace must be risk assessed as part of the



risk minimisation strategy. Where AEDs are permanently placed in a Defence workplace, they will be visible, and accessible to any person, within no more than a 90-second walk (one way).

- 7.4. First aid signs throughout the workplace must comply with Australian Standard 1319: 1994 Safety Signs for the Occupational Environment.

8. **Ambulance principles.** The Defence principles for calling an ambulance are:

- 8.1. When assisting with a medical situation and determining if an ambulance should be called, the first aider should not take into account the payment or liability incurred through the use of the ambulance service. If, after the assessment of the patient, the first aider determines that an ambulance should be called, even if the patient does not agree, then an ambulance should be called. This decision should be based purely on the seriousness of the illness or the injury.
- 8.2. The cost of the ambulance is to be covered by the Group or Service responsible for the ill or injured person.

Roles and responsibilities

9. Group Heads and Service Chiefs are responsible for ensuring the effective implementation of this policy by allocating resources to effectively manage the access to or provision of first aid for Defence workers.
10. Commanders, managers and supervisors must take all reasonably practicable steps to protect the health and safety of workers. They have a responsibility to:
- 10.1. consult with workers to identify, assess and control access to first aid;
 - 10.2. provide workers with appropriate information, education, training, instruction and supervision;
 - 10.3. review, report and record first aid policy and systems;
 - 10.4. define the boundaries of their workplace, and initiate a workplace first aid risk assessment to determine the level of first aid resources required;
 - 10.5. oversee first aid resources within their control, including allocation of funding for first aid kits and consumables within first aid rooms (if applicable);
 - 10.6. ensure recognised training, refresher training and any additional training for first aiders performing additional or more complex responsibilities is conducted in accordance with the CoP; and
 - 10.7. comply with the delegate responsibilities described in the Defence First Aid Certificate Allowance (FACA) policy – managed by DPG, People Policy and Employment Conditions Branch.
11. All workers have a responsibility to:
- 11.1. take all reasonably practical steps to safeguard their own health and safety, and the safety of others in the workplace;
 - 11.2. understand and follow established safe work practices and procedures, participate in appropriate training and hazard identification, and control risks arising from access to or provision of first aid treatment in accordance with guidance;
 - 11.3. advise supervisors and /or first aiders of any perceived risk that could increase exposure to injury or illness, including conditions that may cause medical emergencies (for example, asthma or anaphylaxis). Where there is a known medical

- condition, it is recommend that potential emergencies be managed according to established risk management action plans;
- 11.4. monitor themselves and their fellow workers, and take action when they observe elevated risks to themselves or others;
 - 11.5. report incidents of injury or illness;
 - 11.6. follow workplace procedures and directions provided by first aiders (specifically, workers should use first aid kits and their contents as directed by the first aider and in accordance with first aid policies and procedures);
 - 11.7. where practicable, upon accessing a first aid room, immediately notify the first aider and their immediate supervisor; and
 - 11.8. attend relevant training or information sessions concerning first aid procedures or familiarisation.
12. All appointed first aiders have a responsibility to:
- 12.1. hold and maintain the relevant competency standards, in accordance with the CoP and as deemed appropriate through workplace first aid risk assessments, to provide the required first aid services;
 - 12.2. undergo Hepatitis B vaccination as soon as practicable after being appointed and have post-vaccination serological testing to ensure full immunity. Persistent non-responders to Hepatitis B vaccination will sign a declaration to advise that they are aware of their increased risk and the appropriate steps to take if exposed to a known or potential source of Hepatitis B;
 - 12.3. have a yearly influenza vaccination and seek their own medical advice regarding routinely recommended vaccines for adults;
 - 12.4. within their level of competence, provide first aid to sick and injured workers and workplace visitors;
 - 12.5. maintain accurate records of all first aid treatment given, and report to managers on a regular basis to assist with the revision of first aid arrangements. First aid treatment records are subject to requirements under Health Records legislation (CoP, p 16);
 - 12.6. avoid risk to themselves and others through adherence to safe procedures in all treatment situations;
 - 12.7. ensure workers in their area are aware of the role of the first aider and procedures for obtaining first aid;
 - 12.8. ensure the first aid kit in their workplace is kept adequately stocked and accessible. Where there is a first aid room in the workplace, first aiders in consultation with management, are to ensure it is kept in good condition. Refer to SafetyMan, First Aid Procedure 01 – First Aid Resource Requirements;
 - 12.9. Appointed first aiders are responsible for conducting regular documented visual inspections of AEDs in the workplace in accordance with manufacturer's instructions. Refer to the linked Automated External Defibrillator (AED) Inspection Record below.
 - 12.10. maintain their record of appointment as a first aider on the Defence Corporate Directory (Function/Role/Service) for the term on their appointment; and
 - 12.11. comply with the requirements described in the Defence First Aid Certificate Allowance policy.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

[First Aid in the Workplace Code of Practice](#)

SafetyMan, [Due Diligence Policy](#)

SafetyMan, [First Aid Procedure 01 – First Aid Resource Requirements](#)

SafetyMan, [Work Health and Safety Incident Reporting Policy and Guidance](#)

SafetyMan, [Work Health and Safety Risk Management Policy](#)

SafetyMan, [Work Health and Safety Roles, Responsibilities and Accountabilities Policy](#)

Australian Standard AS 1319:1994 (R2018) Safety Signs for the Occupational Environment

[Defence Health Manual](#) (DHM) Volume 1, Part 4, Chapter 1, 'Eligibility for Defence Health Care'

[Defence Health Manual](#) (DHM) Volume 1, Part 4, Chapter 7, 'Health Support to Civilians in Australia'

[Automated External Defibrillator \(AED\) Inspection Record](#)

[First Aid Certificate Allowance](#) page

[Australian Resuscitation Council](#) (ARC)

Note. Australian Standards are accessible via the Defence Library Service, [Australian Standards](#) page.

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Defence People Policy, SafetyMan

First Aid Procedure 01 - First Aid Resource Requirements

Introduction

1. This procedure is provided as additional guidance on the requirements for first aiders, first aid rooms, first aid kits and first aid consumables in Defence.
2. This procedure should be used in conjunction with SafetyMan, 'First Aid Policy and Guidance'.

First aid risk assessments

3. In accordance with the First Aid in the Workplace Code of Practice (CoP), when conducting a first aid risk assessment and determining what first aid resources and facilities are adequate for that workplace, the following should be taken into consideration:
 - 3.1 the nature of the work being carried out at the workplace;
 - 3.2 the nature of the hazards at the workplace;
 - 3.3 the size and location of the workplace; and
 - 3.4 the number and composition of workers at the workplace.
4. There may be additional considerations where there are high risk work activities and/or high risk workplaces. Likelihood and severity of injuries and risks will need to be taken into account depending on other specific hazards which may exist that are identified in the workplace.

First aider ratio recommendations

5. In accordance with the CoP, one first aider is recommended for every 50 workers in low-risk workplaces, and one first aider for every 25 workers in high risk workplaces. Additional first aiders may need to be appointed to ensure first aid coverage in a dispersed workplace (multiple buildings or work areas), small teams (a two person team may require both workers to be first aiders) or other workplace working arrangements may need to be considered.

First aid kits

6. Examples of content requirements for first aid kits are provided in the CoP. Recommendations on the minimum requirements for first aid rooms are outlined in Table 1 of this procedure. Additional first aid items may be required for high risk, remote or isolated work, or workplaces where other identified specific hazards may exist.
7. Additional items required in first aid kits to treat specific injuries or illnesses identified as part of a first aid risk assessment may require first aiders to undertake extra training.
8. First aid kits should be kept in a prominent, assessable location where they can be retrieved quickly.
9. Restocking and monitoring of first aid kits should be undertaken regularly (after each use or at least every 12-months) by the nominated first aider to ensure the kit contains a complete set of required items, within their expiry dates and which are in good working order.
10. This procedure does not take into account ADF operational scenarios, particularly where medical treatment is available.



First aid rooms

11. Security and Estate Group (SEG) may, in some circumstances, be responsible for initial and/or ongoing equipping of first aid rooms located in common areas or shared tenancies. The relevant Base Manager can provide further information for particular sites.
12. First aid rooms may have an allocated first aid kit available. However noting that first aid rooms may be shared by several Groups and Services, it may be more practicable for the responsible first aider/s to bring their own first aid kit to the room. Where a first aid room does have a designated first aid kit, these should be inspected regularly by the nominated first aider. Sharps containers should also be inspected, particularly in high use areas and replaced where necessary.
13. Cleaning of first aid rooms and the removal of sharps containers can be requested through the SEG Base Services Support Centre (BSSC) on telephone 1300 658 975; or by raising an AE547 Service Request web form. The cost of such services will reside with the Group or Service in control of the first aid room.
14. Base WHS plans should specify where there is a shared arrangement and SEG is responsible for the management of the first aid room/s (for example, cleaning) within that Base. SEG is obliged to equip rooms, for which they are responsible under individual Base arrangements/agreements.

Minimum requirements for first aid room

15. Table 1 below outlines the minimum requirements for first aid rooms.

Table 1: Minimum requirements for first aid rooms

Items required for first aid rooms
<ul style="list-style-type: none"> • First aid kit, appropriate for the workplace; <p>Note. As first aid rooms may be shared by several Groups and Services, it may be more practicable for the responsible first aider/s to bring their own first aid kit to the room, instead of having a first aid kit allocated to that first aid room.</p> <ul style="list-style-type: none"> • sink or wash basin with hot and cold running water; • approved hand washing cleanser in a pump pack dispenser, and disposable paper towels; • examination lounge or bed with waterproof surface and disposable sheets; • examination lamp with magnifier (for assessment/close procedures); • work bench or dressing trolley; • lockable storage cabinet (for first aid supplies, eg dressings, utensils and linen); • blankets, disposable sheets, pillows and disposable pillowcases; • container with disposable lining for contaminated waste; • container for the safe disposal of sharps; • rubbish bin for non-contaminated/general waste; • bowl or bucket (minimum two litre capacity); • electric power points; • table or desk with chair; • telephone and/or emergency communication system; • names and contact details of first aiders for that workplace and emergency organisations (ie ambulance and emergency control organisation if required); • portable stretcher; and • local first aid treatment register/work injury and illness register.

Other recommended items for first aid rooms

- resuscitation mask;
- surgical face mask; and
- face goggles.

Note. A workplace inspection first aid risk assessment will determine if additional first aid items/equipment for a particular workplace are required.

First aid consumables

16. First aid consumables can be purchased through the Stationery and Office Supplies (SOS II) Panel arrangement, or alternatively, an Indigenous Enterprise can be sourced through Supply Nation, that provides for the purchase of first aid and medical supplies.
17. Sharps containers are to be used to dispose of sharps and clinical waste safely. New and replacement sharps containers can also be purchased via Defence Stationery and Office Supplies.

First aid waste removal

18. The nominated first aider can make a request for a sharps container to be disposed of through the SEG BSSC on telephone 1300 658 975 or by raising an AE547 Service Request.
19. Biological waste *cannot* be disposed of in normal waste bins. The disposal of biological waste bags can also be requested through the SEG BSSC. See also Defence's Waste National Service Instruction twistie on the Waste Management page.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

[First Aid in the Workplace Code of Practice](#)

[Managing the Work Environment and Facilities Code of Practice](#)

SafetyMan, [First Aid Policy and Guidance](#)

[AS 1319:1994 \(R2018\) Safety Signs for the Occupational Environment](#) *

[AS 4031:1992 Non-reusable Containers for the Collection of Sharp Medical Items Used in Health Care Areas](#) *

[AS/NZS 4146:2000 Laundry Practice](#) *

[AS/NZS 4261:1994 Reusable Containers for the Collection of Sharp Items Used in Human and Animal Medical Applications](#) *

[Defence Health Manual](#) (DHM) Volume 1, Part 4, Chapter 2, 'Provision of Health Care'

[Defence Health Manual](#) (DHM) Volume 1, Part 4, Chapter 7, 'Health Support to Civilians in Australia'

[Defence Stationery and Office Supplies](#) page, CASG

[Report a WHS Incident or Injury](#) poster – downloadable PDF

[Sentinel](#) – WHS Incident Online Reporting and Analysis Tool

[Supply Nation](#), Indigenous business

[Waste Management](#) page, SEG

Web form [Service Request AE547](#)

[Stationery and Office Supplies \(SOS II\) Panel](#) page, Department of Finance

Note

1. Links to Australian Standards will only work if the reader has followed the instructions on the Defence Library Service, [Australian Standards](#) page; and accessed the [SAI Global i2i Platform*](#) after logging into [OpenAthens](#). Defence DRNet access is required to create an OpenAthens account.

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Defence People Policy, SafetyMan

First Aid Procedure 02 – Automated External Defibrillators

Introduction

1. This procedure is provided as instruction for the procurement, use, operation, and maintenance of automated external defibrillators (AEDs) in Defence.
2. This procedure should be used in conjunction with SafetyMan, First Aid Policy.

About AEDs

3. An AED is a device that uses electricity to re-start the heart or shock it back into its correct rhythm. The AED analyses the heart rhythm and recognises an abnormal rhythm. An AED should be applied to the person in need as soon as it becomes available so that a shock can be delivered if necessary. AEDs can accurately identify the cardiac rhythm as 'shockable' or 'non-shockable'.
4. **Important.** If someone has had a suspected cardiac arrest, call 000 (triple zero) immediately, if possible, and ask for an ambulance. Ambulances carry defibrillators. However, AED use in the minutes before an ambulance arrives can greatly increase the chance of survival.

Risk factors

5. A number of risk factors are to be considered when determining requirements for AEDs in the workplace:
 - 5.1. proximity to emergency services particularly ambulances;
 - 5.2. nature of work being undertaken on the site;
 - 5.3. number of personnel working at the site;
 - 5.4. medical conditions and lifestyle factors which place workers at a higher risk of a medical incident (smoking, high blood pressure, high blood cholesterol, obesity, diabetes); and
 - 5.5. availability of onsite AEDs.

Procurement

6. **Wall-mounted AEDs.** Security and Estate Group (SEG) is responsible for a national approach to the procurement and maintenance of estate-based (wall mounted) AEDs across the Defence estate. AEDs covered by this national arrangement are wall-mounted (or fixed) units installed in buildings and facilities across the Defence estate, which includes AEDs in Resident Unit (RU) premises.
7. **Portable AEDs.** The procurement and maintenance of portable (or mobile) AEDs – that is, defibrillators carried for field training exercises or mobile workplaces – remains a RU/Group or Service responsibility.

Maintenance

8. AEDs require minimal maintenance. Each AED will automatically conduct regular self-checks. If a fault is detected, a visual and/or audible alarm will start. If an internal error is detected, remove the AED from service immediately. The faulty AED should be promptly replaced.



9. SafetyMan, First Aid Policy assigns responsibility for conducting regular visual inspections of AEDs to first aiders; among other duties. The visual inspection should include batteries, pads, child keys (if provided) and signage. For wall-mounted AEDs, the first aider should rectify corrective actions arising from these inspections by raising an AE547 Service Request web form, and the SEG EMOS contractor will manage the corrective action.
10. **Wall-mounted AEDs.** Wall-mounted AED units in Defence Estate–managed facilities will be inspected by the SEG Estate Maintenance and Operation Services (EMOS) contractor, in accordance with the manufacturer's instructions and the Estate Upkeep Services Definition Table. All records concerning the procurement, inspection, maintenance and disposal of AEDs and their components will be kept by the EMOS in the associated equipment records held in Objective.
11. **Portable AEDs.** The maintenance of portable AEDs remains a Group or Service responsibility.
12. AED maintenance arrangements in leased buildings will be dependent on leasing arrangements and will need to be determined on a case by case basis.

Location

13. A localised risk assessment, conducted by the appointed first aider, in consultation with the local health and safety representative, safety advisor or other competent person, should be undertaken to determine the need for and best location for an AED, based on:
 - 13.1. the demographics of the workforce;
 - 13.2. visitors to the workplace;
 - 13.3. specialty areas;
 - 13.4. the physical layout of the facility; and
 - 13.5. the AED being in a readily accessible but secure location, within a 90–second one-way walk.
14. As outlined in SafetyMan, First Aid Policy, paragraph 7.3, an AED is to be located no more than a 90–second one-way brisk walk from a place where it may be used.
15. An AED should be clearly visible and accessible. A Defence-owned AED may need to be used by a member of the public. For example, if it is in a shared workplace.
16. AEDs should *not* be locked away. Appointed first aiders are responsible for conducting regular checks to ensure that AEDs are not missing or damaged.
17. If a RU identifies a need for an AED following a risk assessment, the RU is to seek agreement from the supporting base WHS committee. The base WHS committee will be required to endorse the proposal if sufficient justification exists.
18. When the proposal to install an AED is endorsed by the Base WHS committee, the RU will be required to lodge an AE547 Service Request. The SEG EMOS contractor will procure, install and periodically inspect the AED throughout the equipment lifecycle.

Operation

19. AEDs are designed to be used by trained or *untrained* persons (First Aid in the Workplace Code of Practice, page 12). Modern AEDs can be operated by following the audible and visual prompts given by the device.
20. **Cardiac arrest.** If a person shows signs of sudden cardiac arrest, then the first person on the scene should use an AED immediately – do not wait for a first aider or first responder.

Ideally, a first aider should continue care and control as soon as possible, until relieved by a first responder.

21. The following information is provided as a general guide for use:
 - 21.1. ensure the area around the person is clear of hazards, especially water;
 - 21.2. remove all clothing covering the chest and wipe the chest dry, if necessary;
 - 21.3. the AED will explain where to put the electrodes (pads) on the person's body;
 - 21.4. don't touch the person while you're using the AED because this could interfere with how it reads the person's heart;
 - 21.5. the device may deliver more than one shock; and
 - 21.6. the AED may instruct the operator to continue CPR after the shock. Continue CPR until the ambulance arrives.

Reporting

22. All work-related WHS incidents must be reported to Defence as a WHS Event in Sentinel. For further information refer to SafetyMan, WHS Incident Reporting Policy and Guidance, or obtain further information from the Defence WHS Branch intranet page – WHS Event Management.

AED consumables

23. Requests for consumables for AEDs, such as replacement batteries and defibrillator pads, can be initiated by raising an AE547 Service Request web form. The SEG EMOS contractor will then manage any required corrective action/s.

Assurance

24. A robust assurance function for AEDs ensures that each unit is subject to an inspection routine that confirms it is in working order and accessible to workers.
25. Table 1 below highlights possible issues pertaining to the installation, use and maintenance of AEDs under the management of EMOS, as well as the assurance measures to control those issues.

Table 1: Installation, use and maintenance of AEDs - Issues and controls

Issue	First level of assurance	Second level of assurance
AED is not maintained correctly (in accordance with manufacturer's instructions); battery and/or pads not replaced	Units are to be periodically checked by first aider in accordance with SafetyMan, First Aid Policy. Maintenance initiated through raising a Service Request. EMOS manages corrective action.	AEDs annually inspected by EMOS contractor. Corrective actions carried out as required. Associated documents stored in individual equipment folder in Objective (Estate Management file structure)
AED self-detects malfunction and is unserviceable	Fault reported to first aider. First aider conducts WHS risk assessment. RU raises a Service Request for repair/replacement/disposal based on the WHS risk assessment. EMOS arranges replacement unit, if necessary.	

Issue	First level of assurance	Second level of assurance
AED is damaged, stolen or not returned to its normal position after use	AEDs are periodically checked by first aider. Corrective action initiated through Service Request. EMOS arranges repairs or replaces AED.	
Signage is damaged or missing	Issue detected by passing worker or through first aider inspection. Corrective action initiated through Service Request. EMOS arranges replacement signage.	
Newly identified requirement for AED in a work area	RU identifies need for new AED and requirement is endorsed by Base WHS committee. AED is ordered through raising a Service Request. EMOS installs new AED. AED is added to local AED register and recorded in GEMS.	
AED no longer required in work area	Regular risk assessment and/or first aider identifies excess AED. WHS committee approves removal of AED subject to recommendation by first aider. AED removed by raising a Service Request. AED (including wall mounts and signage) is removed by EMOS and held or disposed of.	
First aider moves out of work area or discontinues role	Base WHS committee identifies gap in coverage. BM implements corrective action (through RU) for an alternate first aider to oversee AED/s.	

References and related documents

[Work Health and Safety Regulations 2011](#)

[First Aid in the Workplace Code of Practice](#)

SafetyMan, [First Aid Policy and Guidance](#)

SafetyMan, [WHS Incident Reporting Policy and Guidance](#)

Estate Upkeep Service Definition Tables via [Estate Upkeep](#) page

[Report a WHS Incident or Injury](#) poster – downloadable PDF

[Sentinel](#) – WHS Incident Online Reporting and Analysis Tool

Web form [Service Request AE547](#)

[WHS Event Management](#) page (WHS Branch)

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Defence People Policy, SafetyMan

Introduction to Work Health and Safety in Defence

Purpose

1. The *Defence Work Health and Safety Manual (SafetyMan)* provides policy and guidance to keep people safe and healthy and eliminate preventable injuries and illness. *SafetyMan* provides the corporate framework that supports Defence to meet its legislative obligations under the *Work Health Safety Act 2011* and *Work Health and Safety Regulations 2011*.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The applicability of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Leading and managing work health and safety

4. Effective work health and safety management integrates into day-to-day Defence business efforts to identify and remove hazards, control risks and reduce the impact on our workforce. Defence aims to minimise all preventable injuries and illness, and maximise the capability of our people.
5. Defence has developed work health and safety policies, standards and procedures to reduce work health and safety risks arising from the work environment and the way activities are performed.
6. Defence's work health and safety culture is embodied through One Defence leadership behaviours reflected in work practices, supported by systems and processes, and in the actions of all in our organisation. Leadership drives a strong work health and safety culture through active behaviour to build and sustain effective work health and safety performance.

Work Health and Safety Management System

7. The Defence Work Health and Safety Management System is a planned, documented and quantifiable method for systematic management of work health and safety. The policies and procedures contained within SafetyMan support the delivery of the Defence 17 Element Safety Management System shown at Annex A, and supports Defence to meet legal obligations under the *Work Health and Safety Act 2011* and *Work Health and Safety Regulations 2011*.



Defence Work Health and Safety Management System Framework

Leadership	
Performance Management	Platforms, Infrastructure, Plant & Equipment
Communications & Consultation	Contractor & Supplier Management
Governance & Assurance	Emergency Preparedness
WHS Information	Emergency Response
Education, Awareness & Skilling	Treatment
Occupational Health	Incident Management
Hazard Identification & Risk Management	Rehabilitation
Systems of Work	Compensation

Related Defence WHS Policy

- The policies and procedures described in this manual provide the foundation for Defence work health and safety management. Groups and Services build on Defence policies with tailored policies and procedures to address the specifics of the context they function in. Groups and Services compliment these policies with regulatory management systems such as Seaworthiness, Airworthiness and systems established to manage the complex and hazardous activities Defence people are involved in.

Codes of Practice

- Guidance materials (which include Model Codes of Practice) are developed by or in consultation with health and safety regulators. There is an expectation by the regulator that these will be complied with. If alternative control measures are implemented rather than those recommended in guidance material, a regulator will generally expect any alternative measures that are implemented to be as good as or better than those set out in applicable guidance material.

References and related documents

- [Work Health and Safety Act 2011](#)
- [Work Health and Safety Regulations 2011](#)
- [Model Codes of Practice, Safe Work Australia](#)
- Annex A – Defence Work Health and Safety 17-Element Safety Management System – Maturity Model

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Defence Work Health and Safety – Maturity Model

A systematic Approach to Managing Work Health and Safety Improvement

Due Diligence Requirement under s27(5) of the *Work Health and Safety Act 2011*

1. Section 27(5) of the Work Health and Safety Act describes due diligence as taking reasonable steps:
 - a) to acquire and keep up-to-date knowledge of work health and safety matters;
 - b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations;
 - c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks;
 - d) to health and safety from work carried out as part of the conduct of the business or undertaking;
 - e) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information;
 - f) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
 - g) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).
2. Examples: For the purpose of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include:
 - reporting notifiable incidents;
 - consulting with workers;
 - ensuring compliance with notices issued under this Act;
 - ensuring the provision of training and instruction to workers about work health and safety; and
 - ensuring that health and safety representatives receive their entitlements to training.

Work Health and Safety Management System – Maturity Model

3. The Work Health and Safety Management System – Maturity Model is a road map for the improvement of safety performance. It recognises that a systematic and holistic approach is required along with a commitment to continuous improvement.
4. It provides Defence with a conceptual or philosophical framework for work health and safety performance. Groups and Services are each responsible for how the Work Health and Safety Management System – Maturity Model will be developed and implemented, along with the supporting procedures and practices.
5. The following Maturity Model is supported by a Guide that provides more detailed information on each of the elements. A self-assessment tool has been developed to help Defence understand its baseline capability and to measure improvement.

6. For further information please talk to your Group Safety Coordinator or contact the Work Health and Safety Branch through the intranet site on the DRN.
7. Adapted from the CMMI Institute Process Maturity Model for organisational process improvement: CMMI Institute <http://cmmiinstitute.com/improve-performance>

	Leadership		Governance		Support	
ELEMENT	Leadership and Culture	Performance Management	Consultation, Communication and Issue Resolution	Governance and System Assurance	Work Health and Safety Management	Education, Awareness and Skilling
Intent	Leaders must acquire and keep up-to-date knowledge of WHS matters. This knowledge is the foundation for sound decision making and a safety culture that optimises health and safety outcomes.	Performance management aims to define and facilitate high levels of WHS performance.	Consultation and communication accelerates resolution of WHS issues and the proactive identification of improvement opportunities.	Governance and system assurance manages systems, policies, arrangements and monitoring regimes to ensure integrity of WHS in Defence. Defence will have and will implement processes for complying with any duty or obligation under the WHS Act. Defence will verify the provision and use of these resources and processes that have been applied to WHS.	WHS information enables decision makers to make informed decisions. Defence will have appropriate processes for receiving and considering information regarding hazards and risks and will respond in a timely way to that information.	Education, awareness and skilling ensures Defence workers are skilled, aware and knowledgeable in the management of WHS as relevant to their role.
Level 5 Leading WHS is leading practice, externally focused and foundational to Defence capability and success. Defence culture is characterised as mindful.	Defence leaders are sought out for their credentials in WHS leadership.	Defence WHS performance sets a leading standard.	Defence workers and third parties are well informed and can openly and quickly address WHS issues and opportunities.	Defence systems are highly effective in all situations and recognised as leading practice.	Decision-makers have the WHS information and insights they need to be WHS leaders.	Defence workers are highly WHS proficient, aware, mindful and committed.
Level 4 Learning Whole of Defence capability established with WHS embedded into Defence business and related management systems. Improvement is holistic, innovative and integrated. Defence culture is characterised as learning.	Leaders have exhausted improvement within their span of control and seek improvement through collaboration, sharing and integration with Defence business.	WHS performance is redefined to reflect a broader performance criteria, based on a more holistic and integrated approach.	Consultation and collaboration occurs in the workplace generally and reflects integration of WHS into general Defence business.	All areas of Defence work to high standards of WHS performance, with underpinning assurance mechanisms enabling consistency, integration and collaboration.	Sharing of WHS information across Defence is enabled. Defence-wide WHS issues are proactively surveyed and managed. Possible WHS threats are identified through deployed systems.	WHS education, awareness and skilling is innovative, integrated, timely, interesting, relevant and well received.
Level 3 Proactive Alignment, closed-loop improvement and linkages across Defence established, with associated emphasis on prevention. Defence culture is characterised as systematic.	Leaders seek improvement beyond compliance and drive a culture of continuous improvement and systematic approaches.	WHS performance is outcome and improvement focused. Indicators target systematic and preventative approaches.	WHS information is communicated to and from workers. WHS representatives are actively engaged in consultation roles.	WHS system is based on sound principles and standards, with closed-loop continuous improvement and associated performance and assurance mechanisms.	WHS information enables identification of injury and illness causes, supports more informed decision making and feedback, and systematically addresses and closes-out issues to institutionalise improvements.	Individual and corporate skill levels ensure everyone can work in a safe and healthy manner. Training and awareness products cover the full spectrum of the WHSMS.
Level 2 Managed Compliance-oriented WHSMS, with associated auditing regimes. Defence culture is characterised as compliant.	Leaders accept responsibility for the health, safety and welfare of their workers and take practical steps to achieve compliance with relevant regulations and policies.	WHS performance is defined by fulfilment of responsibilities for ensuring a safe and healthy workplace.	WHS policies are documented and communicated to all interested parties. Consultation and communication approaches focus on achievement of legislative requirements.	WHS systems are a collection of policies and arrangements that focus on achievement of compliance.	Reporting, data storage and tracking occurs in alignment with WHS regulatory requirements.	WHS training, induction and awareness is delivered to meet compliance requirements.
Level 1 Reactive Absence or fragmented and disconnected management system, with resulting confusion of intent, priorities, roles and preferred practices. Defence culture is characterised as reactive.	Leaders recognise WHS is important, however inconsistent approaches and execution prevent improvement. Personal values, incidents and costs drive activity.	WHS performance is confined to holding individuals accountable in response to an incident.	Policies are documented and WHS committees, meetings and/or groups are established.	Inconsistent roles and practices. Initial policies define the WHS system and accountabilities.	Information is isolated and incomplete. A culture of non-reporting and reaction reduces the usefulness of data obtained.	Competencies and proficiencies to meet compliance requirements are defined but not fully implemented or relevant to the nature of Defence business.

Increasing Consistency, Integration and Commitment

Increasing Maturity of Due Diligence Processes

Prevention

ELEMENT	Occupational Health	Hazard Identification and Risk Management	Safe Systems of Work	Platforms, Infrastructure, Plant and Equipment	Contractor and Supplier Management	Emergency Preparedness
Intent	Occupational health seeks to facilitate the optimal physical and mental health of workers.	Defence business owners will maintain a clear understanding of the business or undertaking of the hazards and risks. Risk management involves confident, rigorous assessment of WHS risks and the proactive elimination or minimisation of these risks.	Defence work is undertaken in a safe and healthy manner. Defence will apply appropriate resources and processes to eliminate or minimise health and safety risks.	Defence platforms, infrastructure, plant and equipment ensure workers' health and safety.	Contractors and suppliers operate to consistently high WHS standards and are in sync with Defence.	In the event of an emergency, Defence is ready to respond quickly and effectively to protect its people and, through them, its capability.
Level 5 Leading	Occupational health practices positively influence workers wellbeing and the health of their families and the community as a whole.	Hazard identification and risk management processes are leading practice, operating with a high level of mindfulness.	Defence workplaces are safe, healthy and provide for the welfare of workers.	WHS is a capability optimiser.	Defence contractors and suppliers contribute to capability and operate at leading practice levels.	Stakeholders have a high degree of confidence in Defence's ability to manage emergencies, protect its people and through them its capability. Defence policy informs Australian and Industry Standards and legislation.
Level 4 Learning	Whole of Defence capability established with WHS embedded into Defence business and related management systems. Improvement is holistic, innovative and integrated. Defence culture is characterised as learning.	Risk management approaches transcend internal and external boundaries and are integrated into the capability life cycle.	Safe systems of work are improved through collaboration, innovation and integration.	WHS is a capability enhancer.	Partnerships with contractors and suppliers enables mutual improvement of WHS performance.	Emergency planning processes are integrated with business continuity, security, environmental and critical infrastructure protection. Joint responses are practiced. Lessons learned are linked to continuous improvement.
Level 3 Proactive	Occupational health risks are proactively identified through monitoring, research and observation. Associated management regimes implemented and monitored.	Hazard identification and risk management practices are systematic and involve a broad range of foreseeable situations.	Safe systems of work are continuously improved, based on sound analysis and feedback.	WHS is an integrated part of the capability life cycle.	Contractor and supplier WHS performance is monitored, reviewed and improved.	Tailored plans, procedures and ECO structures are in place and tested. ECO is competent and authorised. Policies are fully implemented.
Level 2 Managed	Occupational health is conducted according to regulatory requirements. Individuals are aware of known occupational risks defined by regulations and associated monitoring of workers.	Hazard identification and risk management uses consistent and relevant risk calculators and compliance oriented checks.	Safe systems of work are safe, documented and followed. Workplace procedures are compliant.	WHS is part of the capability life cycle.	Specific WHS obligations are part of contractual arrangements. Contractors and suppliers working on site are inducted in Defence WHS expectations and are subject to corrective action.	Generic plans, procedures and ECO structures are in place. Local training and equipment is consistently delivered. Post incident debriefing processes are in place. Workforce is aware of emergency arrangements.
Level 1 Reactive	Occupational health practices are inconsistent and sometimes out of alignment with exposure risks. Reaction to exposure or illness occurs once people are affected.	Hazard identification occurs for the most visible hazards. Risk management is often reactive and uses variable methodologies.	Safe systems of work lack consistent coverage and implementation.	WHS is a low priority throughout the capability life cycle.	A hands-off approach to contract management creates a lack of responsibility regarding WHS risks and practices.	Emergency planning processes, terminology and stakeholder engagement is inconsistent. Approach to emergency risk management is generally based on assumptions and tradition.

Increasing Consistency, Integration and Commitment

Increasing Maturity of Due Diligence Processes

Net SafetyMap Section 2 Governance and Due Diligence, 6 Sep 2022

Decreasing Capability

Increasing Capability

ELEMENT	Management				Compensation
	Emergency Response	Treatment	Incident Management	Rehabilitation	Compensation
Intent	In the event of an emergency, Defence responds quickly and effectively to protect its people and, through them, its capability.	Treatment ensures injury and illness are responded to in a manner that achieves best functional capability and outcomes for workers.	Incident management ensures that each event is managed through its life cycle, with strategies to reduce and prevent reoccurrence.	Rehabilitation aims to achieve maximum function and retention post injury or illness.	Compensation systems ensure workers have access to appropriate compensation for work related injury, illness and disease.
Level 5 Leading WHS is leading practice, externally focused and foundational to Defence capability and success. Defence culture is characterised as mindful.	Response demonstrates Defence expertise in emergency management. The community feels safe and trusts Defence to protect its people and its national interests.	Defence practices for all types of treatments are recognised as leading practice. Consequences of injury and illness are minimised and capability maximised.	Incident processes are robust and recognised as leading practice, resulting in future events being mitigated.	High levels of retention are achieved with medical discharges minimised. Injury and illness management systems are continually evaluated, revised and improved.	Compensation costs and retention levels are at leading practice.
Level 4 Learning Whole of Defence capability established with WHS embedded into Defence business and related management systems. Improvement is holistic, innovative and integrated. Defence culture is characterised as learning.	Response is fully integrated with business continuity, environmental protection, security, critical infrastructure protection and continuous improvement processes.	Treatment regimes are proactively evaluated for effectiveness. Includes internal and external evaluation.	Culture supports a more holistic and open evaluation of events and enables more innovative and integrated approaches to prevention.	Groups and Services collaborate to maximise opportunities for the placement and retention of injured or ill workers.	Focus on capability retention through rehabilitation.
Level 3 Proactive Alignment, closed-loop improvement and linkages across Defence established, with associated emphasis on prevention. Defence culture is characterised as systematic.	Response is in accordance with documented and approved local emergency response procedures. Basic business continuity and recovery plans enacted.	Treatment is further defined to include secondary victims and early prevention of secondary injury and illness.	Cause and impact of events established. Life cycle of events work- flowed and closed-out.	Effective interventions occur as soon as possible. Focus is on ability and capability rather than injury, illness and incapacity. Defence injury management system is in place.	Access to compensation is facilitated in a manner that encourages retention and addresses underlying causal factors.
Level 2 Managed Compliance-oriented WHSMS, with associated auditing regimes. Defence culture is characterised as compliant.	Response is consistent with basic local emergency response procedures.	The range of event scenarios is predicted and treatment regimes planned, practiced and documented.	All events are reported and action taken to address immediate and obvious cause.	Policies and procedures comply with legislative requirements. Rehabilitation is externally driven, with a largely passive workforce.	Claims-driven processes rather than preventative approach.
Level 1 Reactive Absence or fragmented and disconnected management system, with resulting confusion of intent, priorities, roles and preferred practices. Defence culture is characterised as reactive.	Response is inconsistent and limited by immediately available resources, natural leadership and self preservation instinct.	Treatment is focused on immediate and obvious injury and illness. Procedures are standardised rather than focused on particular workplace profiles and risks.	Event reporting is inconsistent with minimal feedback and workflow.	Rehabilitation occurs on an ad hoc basis. Procedures are poorly communicated and not understood.	Culture of deferring claim lodgement until discharge occurs, mitigating early rehabilitation and legitimate access to compensation.



Defence People Policy, SafetyMan

Occupational Health Policy and Guidance

Policy statement

1. This policy sets out the requirements to ensure compliance with legislation in relation to Defence's occupational health obligations.

Scope

2. This policy applies to all Defence workers including ADF personnel, APS employees, ADF cadets and people involved in other Defence-supported youth programs, contractors (including subcontractors, consultants and outsourced service providers) and other persons.
3. The applicability of this policy to contractors (including subcontractors, consultants and outsourced service providers) is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.
4. The practice of occupational health in Defence involves several disciplines, including, but not limited to: occupational medicine, occupational hygiene, nursing, ergonomics, psychology, and safety.

Policy – core elements

5. Defence has a primary duty under the Work Health and Safety Act 2011 to ensure, so far as is reasonably practicable that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers.
6. Risk assessment must be undertaken when working or planning activities that may present occupational health related hazards, such as hazardous chemicals, airborne contaminants, noise and vibration, heat stress, psychosocial stressors and communicable diseases.
7. External/environmental and personal risk factors are to be considered in the assessment of occupational health risk.

Roles and responsibilities

8. Group Heads and Service Chiefs – as officers of the person conducting a business or undertaking (PCBU) – are responsible for exercising their due diligence obligations with respect to occupational health related risks.
9. Commanders/managers and supervisors must take all practicable steps to protect the health and safety of workers. They have a responsibility to:
 - 9.1. understand how occupational health hazards affect their workers and the work being performed;
 - 9.2. consult with workers to identify, assess and control occupational health related hazards and risks;
 - 9.3. ensure the appropriate risk management is conducted for all activities in accordance with SafetyMan, Work Health and Safety Risk Management Policy;
 - 9.4. provide all workers with appropriate information, education, training, instruction and supervision;



- 9.5. ensure that workers undergo health monitoring in accordance with the Work Health and Safety Regulations 2011; and
- 9.6. analyse event reports where exposure to these hazards was the cause, or a contributing factor.
10. People Group supports Groups and Services to manage enterprise level occupational health risks by:
 - 10.1. providing timely occupational health advice and support through a combination of internal expertise and contracted providers; and
 - 10.2. collaborating with Groups and Services to undertake occupational health hazard identification, risk assessment and development of control strategies.
11. The Services, Joint Operations Command and Joint Health Command share responsibility for the delivery of occupational medicine and occupational health monitoring for Defence members in deployed and garrison environments.
12. All workers have a responsibility to:
 - 12.1. monitor themselves and their fellow workers and take all reasonably practical steps to safeguard their own health and safety and the safety of others in the workplace;
 - 12.2. understand and follow established safe work practices and procedures, participate in appropriate training, hazard identification and health monitoring, and control risks arising from occupational health hazards in accordance with guidance;
 - 12.3. advise supervisors of any perceived risk that could increase exposure to injury or illness; and
 - 12.4. report events that caused, or could have caused, injury or illness.

References and related documents

[Australian Radiation Protection and Nuclear Safety Act 1998](#)

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [Asbestos Management Policy and Guidance](#) page

SafetyMan, [Hazardous Chemicals Management Policy and Guidance](#) page

SafetyMan, [Noise Management Policy and Guidance](#) page

SafetyMan, [Work Health and Safety Risk Management Policy](#) page

SafetyMan, [Working in Confined Spaces Policy and Guidance](#) page

[Defence Health Manual](#) home

[Memorandum of Understanding between Department of Defence and Australian Institute of Occupational Hygienists Incorporated](#) – downloadable PDF

[Occupational Hygiene](#) page, WHS Branch

[Health Monitoring for Persons Conducting a Business or Undertaking Guide](#), Safe Work Australia

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Defence People Policy, SafetyMan

Occupational Health Procedure 01 - Defence Occupational Hygiene Professionalisation Framework

Australian and international professionalisation

1. A robust and sustainable occupational hygiene capability requires an accessible and flexible training structure and a high degree of professionalisation. It is beneficial for Defence personnel to obtain recognition, ongoing professional development, and to interact with the broader occupational hygiene community through membership of the Australian Institute of Occupational Hygienists (AIOH). Within Australia, both training and professionalisation can be aligned with the AIOH and the International Occupational Hygiene Association (IOHA).

Defence occupational hygiene workforce

2. The Defence occupational hygiene workforce consists of three levels:
 - 2.1. Level 1 – Occupational Hygiene Technician;
 - 2.2. Level 2 – Occupational Hygienist; and
 - 2.3. Level 3 – Senior Occupational Hygienist.
3. A description of the minimum qualifications and recommended scope of practice for each of the three occupational hygiene levels is contained in Tables A1, A2 and A3 below.

Professionalisation and AIOH membership

4. The occupational hygiene professionalisation structure outlined above allows Defence personnel a professional development path that progresses from Level 1 to Level 3. In conjunction, personnel can progress through AIOH membership grades from Associate to Provisional to Full Membership.
5. **Memorandum of Understanding.** A Memorandum of Understanding (MoU) between the AIOH and Defence was established in 2017 to recognise the specialist nature of Defence occupational hygiene practitioners, and to facilitate the Defence practitioners gaining professional status by attaining Provisional and Full Membership of the AIOH, and becoming Certified Occupational Hygienists.
6. **International qualifications.** The international occupational hygiene training scheme is administered by the Occupational Hygiene Training Association (OHTA) and is supported by the professional occupational hygiene bodies of Australia, New Zealand, Canada, the United States, the United Kingdom, and other nations. An international knowledge structure facilitates a common understanding of the basic principles and aids in interoperability during multinational deployments. Further information on the OHTA international qualifications scheme is available on the OHTA website.



7. The three Defence occupational hygiene levels align with the qualification levels recognised by the AIOH and the IOHA member associations:
 - 7.1. Foundation level for those who have studied and successfully completed the basic principles of occupational hygiene. The Defence equivalent is the Monitoring of Occupational Hygiene Hazards (MOHH) Course;
 - 7.2. Intermediate level for those who have studied and completed qualifications to the intermediate level, and have the technical knowledge and practical skills needed to undertake occupational hygiene in the workplace, the International Certificate in Occupational Hygiene (see Table A2 for the Defence equivalent); and
 - 7.3. Advanced level for those who achieve the levels of knowledge and skill expected of a professional hygienist normally requiring an academic qualification (see Table A3 for the Defence equivalent).

Defence training and qualifications

8. **Foundation course.** The MOHH course is an introduction to the principles of occupational hygiene and teaches participants how to use the available Defence occupational hygiene equipment. Successful completion (PMKeyS Proficiency Code P109928) is required for recognition as a Defence Level 1 Occupational Hygiene Technician, and affords eligibility to apply for Associate Membership of the AIOH.
9. **Specialist courses.** Several specialist courses related to occupational hygiene practice are available to Defence personnel, and are recognised by the AIOH in accordance with the MoU. Completion of one or more of these courses by Defence occupational hygiene practitioners will enhance their occupational hygiene skillset and their professional advancement.
 - 9.1. The Defence Occupational Noise Officer (DONO) course provides personnel with information and practical experience in basic noise measurements, management and control. Upon successful completion of the course and post course assessment, participants will hold the PMKeyS Proficiency Code P105132 and be deemed a competent person under the Work Health and Safety Regulations 2011 to undertake basic noise management activities.
 - 9.2. The Hazardous Chemicals Safety Advisor (HCSA) Course provides personnel with the knowledge and skills in the management of hazardous chemicals and the hazardous chemicals management system. Upon successful completion of the course, participants will hold the PMKeyS Proficiency Codes of P104814 and P121319 and be able to undertake the role of (or be nominated for) a HSCA.
 - 9.3. The Laser Safety Level 1 Course provides personnel competency in the calculation of maximum permissible exposure levels, radiation hazard distances and protective equipment requirements for the safe use and control of lasers in the field or in workshops. Upon successful completion of the course, participants will hold the PMKeyS Proficiency Code of P001352 and be able to undertake the role of (or be nominated for) Laser Safety Officer (LSO1).
 - 9.4. The Radio Frequency Radiation Safety Level 1 Course provides personnel competency in the determination of radiation protection requirements for the safe

use and handling of non-ionising radiation sources in the field or in workshops. Upon successful completion of the course, participants will hold the Proficiency Code of P103425 and be able to undertake the role of (or be nominated for) Radiofrequency Radiation Safety Officer (RFRSO1).

- 9.5. The Ionising Radiation Protection Safety Level 1 Course provides personnel competency in the determination of radiation protection requirements for the safe use and handling of ionising radiation sources in the field or in workshops. Upon successful completion of the course, participants will hold the PMKeyS Proficiency Code of P001406 and be able to undertake the role of (or be nominated for) Defence Ionising Radiation Protection Officer (DIRPO).

Framework

10. Tables A1, A2 and A3 below describe minimum qualifications and recommended scope of practice for each of the three Defence occupational hygiene levels.

Table A1: Level 1 - Occupational Hygiene Technician

Minimum qualifications	Recommended scope of practice
<ol style="list-style-type: none"> 1. Monitoring of Occupational Hygiene Hazards (MOHH) Course. 2. Groups and Services are responsible for competency requirements, currency criteria, scope of practice, credentialing processes and professional development. 	<p>Collect local workplace information and data, and identify potential or actual occupational health hazards that may exist in the workplace.</p> <p>Contribute to implementing occupational hygiene monitoring processes using monitoring equipment for which they are competent, and document findings.</p> <p>Under the direct supervision of Level 2 or 3 Occupational Hygiene personnel:</p> <ul style="list-style-type: none"> • Provide basic advice with respect to documented occupational hygiene management plans. • Suggest mitigation strategies for common hazards. <p>Limits to scope: Only perform duties that the individual is competent and current to perform.</p>

Table A2: Level 2 - Occupational Hygienist

Minimum qualifications	Recommended scope of practice
<ol style="list-style-type: none"> 1. Must be eligible for Provisional Membership of the AIOH. Eligibility requirements for Defence personnel are contained in the AIOH/Defence MoU. 2. Must maintain intermediate level competency in occupational hygiene according to the AIOH. 3. Groups and Services are responsible for competency requirements, currency criteria, scope of practice, credentialing processes and professional development. 	<p>Be familiar with Level 1 functions as described in Table A1.</p> <p>Advise and supervise Level 1 Occupational Hygiene Technicians.</p> <p>Conduct workplace inspections and walk-through surveys.</p> <p>Conduct occupational hygiene monitoring tasks using appropriate equipment.</p> <p>Provide SME support with respect to occupational hygiene management plans.</p> <p>Follow complex procedures, and documents and reports findings.</p> <p>Evaluate the risk of worker exposure to potentially harmful agents.</p> <p>Monitor, analyse and evaluate strategies to minimise workplace exposures, and advises on their implementation.</p> <p>Coordinate occupational hygiene resources to monitor and reduce occupational health exposure risks.</p> <p>Provide occupational hygiene advice to Defence commanders and managers.</p> <p>Mentor and supervise Level 1 Occupational Hygiene Technicians.</p> <p>Liaise with occupational medicine personnel.</p> <p>Limits to scope: Only perform duties that the individual is competent and current to perform.</p>

Table A3: Level 3 – Senior Occupational Hygienist

Minimum qualifications	Recommended scope of practice
<p>1. Full Membership of the AIOH and/or</p> <p>Certified Occupational Hygienist or equivalent certification provided by an organisation accredited by the IOHA (eg American Industrial Hygiene Association).</p> <p>2. Must maintain advanced level competency in occupational hygiene according to the AIOH.</p> <p>3. Groups and Services are responsible for competency requirements, currency criteria, scope of practice, credentialing processes and professional development.</p>	<p>Be familiar with Level 1 and 2 functions as described in Tables A1 and A2.</p> <p>Advise and supervise Level 1 and 2 Occupational Hygiene personnel.</p> <p>Represent occupational hygiene interests in strategic planning and service delivery.</p> <p>Provide strategic oversight at an enterprise, Group or Service level.</p> <p>Interpret legislation, policy and investigative findings and communicates to senior leadership.</p> <p>Initiate and drives complex and innovative programs that reduce the risk of occupational injury and disease.</p> <p>Design risk control strategies for significant and complex occupational hygiene hazards and advises on their implementation.</p> <p>Analyse, evaluate and interpret a wide range of information and evaluate strategies to minimise workplace exposures across their workforce.</p> <p>Advise on education and training.</p> <p>Provide governance and technical authority over Level 1 and 2 occupational hygiene personnel.</p> <p>Limits to scope: Only perform duties that the individual is competent and current to perform.</p>

References and related documents

11. [Work Health and Safety Regulations 2011](#)
12. [Australian Institute of Occupational Hygienists \(AIOH\)](#)
13. [International Occupational Hygiene Association \(IOHA\)](#)
14. [Occupational Hygiene Training Association \(OHTA\)](#)
15. [Memorandum of Understanding between Department of Defence and Australian Institute of Occupational Hygienists Incorporated](#)

SafetyMan:

16. [Occupational Health Policy and Guidance](#)
17. [Defence Corporate Radiation Safety Manual](#)

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Defence People Policy, SafetyMan

Sentinel Usage Policy Guidance

1. This policy guidance outlines the key Sentinel modules and how it supports work health and safety management and due diligence.
2. Sentinel is the mandated Defence work health and safety management information system. It supports the management of work health and safety matters at a local level and provides the facility to escalate and inform senior managers of issues that require action. Sentinel supports the collection and structuring of corporate work health and safety information for analysis and reporting. It supports decision makers at all levels and assists individuals meet obligations required in the *Work Health and Safety Act 2011(the Act)*.
3. Sentinel includes a number of connected and related modules that record information to provide visibility of work health and safety matters. The purpose of this document is to provide guidance and information in support of how and when to use the Sentinel System. This document is to be used in conjunction with Sentinel Quick Reference Guides and User Manuals.
4. The use of Sentinel was mandated as the Defence Work Health and Safety Management Information System in Joint Directive 27/2014 and reaffirmed by Defence Work Health and Safety Committee direction. The Defence Work Health and Safety Committee in June 2017 mandated five Sentinel modules (Event, Hazard, Risk, Regulator Relations, Audit) to be implemented by all Groups and Services.

Event

5. The Event module records work health and safety incidents which resulted in an injury or illness, or could have, while undertaking Defence work. Event reports record who was involved, where and when the incident occurred, and who was supervising the activity. Investigators who are a part of the incident management process gather facts around the incident seeking to identify the cause (hazard source) and determine if a failure of risk controls (policy, procedures, training, personnel protective equipment etc) occurred.
6. Investigation of incidents allows the identification of systemic issues that require intervention and supports determining policies and procedures that need improving. Analysing incident reports also supports organisational learning through the sharing of information to reduce the likelihood of similar incidents occurring elsewhere in Defence.

Hazard

7. The nature of Defence activities means that people work regularly with hazardous things or in hazardous situations. Sentinel supports the reporting of work health and safety hazards that could injure or make ill workers. Hazard reports allow management to take action to control the situation and reduce the risk of injury or illness to people.
8. Work Health and safety hazards should be reported where there is an imminent risk of injury or illness to workers and where the cause or situation cannot be immediately eliminated. All uncontrolled or unexpected hazards should immediately be isolated from workers to reduce the possibility of injury or illness. Significant hazards that require ongoing management and the application of multiple controls are treated in Sentinel as risks.



9. Reporting hazards provides notice to management that corrective action for the hazard is required such as raising an estate works order through the Garrison Estate Management System (GEMS) or making a Report of Defective or Unsatisfactory Materiel (RODUM).

Risk

10. Sentinel includes the capacity for recording and managing enterprise-level work health and safety risks. This means critical and significant work health and safety risks that cross Group or Service boundaries which can have potential catastrophic results. Sentinel undertakes risk analysis through the bow-tie assessment methodology which allows connection with hazard and event reports and assurance information.
11. Sentinel risk bow-ties support risk management by recording the possible causes (the hazards involved which may be identified via the Hazard module) and potential consequences (incident outcomes which are reflected in the Event module). This identifies circumstances where the loss of control of causes has a high probability of resulting in injury or illness, and realising a risk.
12. Causes and consequences are both managed through the application of controls recorded in Sentinel risk assessments. The Sentinel risk module allows assurance activities for hazard sources along with assessment that controls are in place and effective to be connected. Where a failure is identified through Event or Audit modules action can be taken to address weaknesses or apply additional or different controls.

Audit (& Assurance)

13. Implementation in Groups and Services of the Defence Safety Management System's is audited for conformance with the seventeen element system. The audit results are recorded in Sentinel in the audit module. Recording audit results provides Defence visibility of the maturity of safety management system implementation and where there are areas that require correction or improvement.
14. Audits against other regulated or high risk aspects of Defence business such as Hazardous Chemicals and Joint Special Plant license compliance is also recorded within this module for analysis and reporting. Audits against hazards sources like these enable Defence to test that controls to manage these are in place and effective. It provides the opportunity to identify where Corrective Action Requests (CARs) are necessary to improve the management of hazards or risks that have regulated controls or mandated Defence procedures.
15. Group and Services can record audits and inspection checklists can be recorded in Sentinel. This will support Group and Service management of those hazards or risks that are of particular concern to them and to ensure that safety management systems are in operation and effective.

Regulator Relations

16. Defence has an active and ongoing relationship with the Commonwealth Regulator, Comcare for management of *Work Health and Safety Act 2011* compliance. Comcare can investigate the details for an incident (event) report made in accordance with *the Act*. Comcare may also wish to inspect a Defence site where there is a particular regulated hazard or risk. Comcare can request information from Defence around matters related to compliance with the *Work Health and safety Act 2011* or the application of the *Work Health and Safety Regulations 2011*.
17. The interaction between Defence and Comcare is managed through the Regulator Relations module. This module allows management visibility of the regulators interest in

Defence incidents and compliance with the *Work Health and Safety Act 2011* or *Work Health and Safety Regulations 2011*.

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Defence People Policy, SafetyMan

Work Health and Safety in the Capability Life Cycle Policy

Policy statement

1. The Capability Life Cycle is a core business process of Defence and is critical in enabling Defence to perform its primary role of defending Australia and contributing to the protection of its national interests. The integration of work health and safety considerations into the Capability Life Cycle is a means to ensure compliance with legislated requirements, improve capability and contribute to the Capability Governance Framework.

Scope

2. This policy applies to all Defence workers including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Accountabilities

4. Defence work health and safety policy requires duty holders to ensure that risks to the health and safety of all workers (including those contracted to Defence) and other persons (eg members of the public) are eliminated, and if it is not reasonably practicable to do so, are minimised so far as is reasonably practicable in all phases of the Capability Life Cycle.
5. Table 1, derived from Chapter 2 of the [Capability Life Cycle Manual](#), denotes the accountable work health and safety duty holders for each phase of the Capability Life Cycle along with those personnel, teams and Groups with significant responsibilities.

Table 1: Defence Capability Life Cycle duty holders

Capability Life Cycle phase	Duty holders	
	ACCOUNTABLE	RESPONSIBLE
Strategy and Concepts	Vice Chief of the Defence Force	Capability Managers Delivery Group Heads Enabler Group Heads
Risk Mitigation and Requirement Setting	Capability Managers Delivery Group Heads	Enabler Group Heads Integrated Project Managers
Acquisition	Capability Managers Delivery Group Heads	Enabler Groups Integrated Project Managers Integrated Product Managers
In Service and Disposal	Capability Managers Delivery Group Heads	Enabler Groups Integrated Product Managers



6. Depending on the extent of their role in the Capability Life Cycle, duty holders may also assume further duties under the *Work Health and Safety Act 2011* (WHS Act 2011) (Cth), including:
 - 6.1. section 22, the design of plant, substances or structures;
 - 6.2. section 23, the manufacture of plant, substances or structures;
 - 6.3. section 24, the importation of plant, substances or structures. For example, where Defence acquires plant, structures or substances from a foreign government, designer and/or manufacturer, and is responsible for the importation of the plant, substance or structure into Australia, Defence assumes the importer duties;
 - 6.4. section 25, the supply of plant, substances or structures. For example, where Defence supplies Government furnished equipment, materiel or data to another Person Conducting a Business or Undertaking (PCBU), or supplies second hand items during disposal, Defence assumes the supplier duties;
 - 6.4.1. as per the WHS Act 2011, section 6, the meaning of supply includes a supply and a resupply of the thing by way of sale, exchange, lease, hire or hire-purchase, whether as principal or agent.
 - 6.5. section 26, the installation, construction or commissioning of plant or structures; and
 - 6.6. sections 46–49, consultation, cooperation and coordination between duty holders and consultation with workers.
7. Duty holders are accountable for ensuring and demonstrating that Defence's work health and safety due diligence obligations are met throughout the Capability Life Cycle including:
 - 7.1. in the Strategy and Concept, and Risk Mitigation and Requirements Settings Phases referred to in the [Capability Life Cycle Model](#) – duty holders are to consider safety risk mitigation activities up to Gate 2, including:
 - 7.1.1. lessons learned, including incidents and/or injuries/illnesses arising from previous acquisitions or the use of similar capabilities, have been considered; and
 - 7.1.2. risks to the health and safety of persons have been considered and eliminated or minimised so far as is reasonably practicable.
 - 7.2. in the Acquisition and In-service and Disposal Phases – duty holders are to:
 - 7.2.1. continue to consider safety and eliminate, and if not practicable to do so, to minimise safety risks so far as is reasonably practicable; and
 - 7.2.2. maintain and further develop the safety risk mitigations developed during the previous phases to meet applicable duties and regulations, including:
 - 7.2.2.1. each purpose for which the Capability System was designed or manufactured;
 - 7.2.2.1.1. a Capability System is a specific combination of the Fundamental Inputs to Capability, used as the primary management framework for the development and delivery of an endorsed level of operational capability. In the context of the Capability Life Cycle, the major system component could be specialist military equipment, materiel, information and communications technology or estate and infrastructure ([Capability Life Cycle Manual Annex A](#));

- 7.2.2.2. the results of any calculations, analysis, testing or examination necessary for the safety of workers or others interacting with the Capability System so far as is reasonably practicable;
 - 7.2.2.3. information concerning any conditions necessary to ensure the safety of the Capability System when used for the purpose for which it was designed, manufactured and implemented so far as is reasonably practicable; and
 - 7.2.2.4. the results of safety performance reviews such as investigations and audits.
- 8. Senior commanders and managers in Defence Groups and Services who represent Capability Managers, Delivery and/or Enabler Groups, are to actively integrate work health and safety considerations through all phases of the Capability Life Cycle in order to ensure that work health and safety risks are identified, assessed and managed throughout the life of every capability. These considerations apply regardless of the method used to introduce the new or modified capabilities into service (as a major, minor or operationally urgent acquisition), or whether they are for equipment, information and communication technology, facilities, workforce or other service delivery functions.

Principles for applying work health and safety in the Capability Life Cycle

- 9. Duty holders are responsible for developing, implementing and resourcing processes that apply the following principles in the Capability Life Cycle:
 - 9.1. capability development involves the identification, assessment and mitigation of foreseeable work health and safety hazards and risks across the Capability Life Cycle and for Fundamental Inputs to Capability;
 - 9.2. processes for consultation, cooperation and coordination are to ensure work health and safety hazards and risks are communicated between parties at relevant points in the Capability Life Cycle, including (as a minimum) when:
 - 9.2.1. requesting safety data from the Original Equipment Manufacturer or via the Foreign Military Sale Program Office or equivalent;
 - 9.2.2. conducting hazard assessment, risk analysis and control;
 - 9.2.3. conducting test and evaluation activities;
 - 9.2.4. commissioning products into operational service;
 - 9.2.5. modifying configuration, or changing the role or operating or support environment; and
 - 9.2.6. conducting disposal activities.
 - 9.3. regular assurance activities are to be undertaken of safety performance throughout the Capability Life Cycle such that duty holders maintain confidence in the safety of the Capability System; and
 - 9.4. independent reviews before critical milestones or as triggered by particular concerns may also be initiated by duty holders.

References and related documents

10. [Work Health and Safety Act 2011 \(Cth\)](#)
11. [Work Health and Safety Regulations 2011 \(Cth\)](#)
12. [Australian Radiation Protection and Nuclear Safety Act 1998](#)
13. [Environment Protection and Biodiversity Conservation Act 1999](#)
14. [Capability Life Cycle Manual](#)
SafetyMan:
15. [WHS Roles, Responsibilities and Accountabilities Policy](#)
16. [WHS Due Diligence Policy](#)

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Defence People Policy, SafetyMan

Work Health and Safety Education, Awareness and Skilling Policy

Policy statement

1. Defence will ensure that work health and safety knowledge, training and development opportunities are provided to workers.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The applicability of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. Workers must be provided with:
 - 4.1. the skills and knowledge to perform their jobs without risk to their own or others' health and safety in the workplace; and
 - 4.2. appropriate information to protect them from hazards and risks arising from Defence work. This information must be:
 - 4.2.1. easily understood;
 - 4.2.2. suitable for the nature of the work carried out by the worker; and
 - 4.2.3. adequate for the nature of the risks associated with the work at the time the information, training or instruction is provided.
5. All workers must be provided with appropriate and timely workplace work health and safety induction training. Such training should be conducted or commenced prior to, or within one week of, arrival in a new Defence workplace.
6. New workers must complete mandatory work health and safety awareness training as soon as possible and no later than 10 weeks after arrival in their Defence workplace.
7. All work health and safety training records for ADF members and APS employees are to be documented and maintained in PMKeyS including:
 - 7.1. Defence-provided mandatory work health and safety induction and annual work health and safety awareness training;
 - 7.2. formal Defence work health and safety courses; and
 - 7.3. all nationally recognised work health and safety proficiencies and qualifications.
8. For workers without a PMKeyS record, such as ADF cadets, contractors and volunteers, work health and safety training is to be verified, recorded and maintained in accordance with Defence records management policy and their Defence contracts.



9. Workers who perform work health and safety technical or specialist roles or appointments are to be provided with appropriate training and refresher training. This training is to result in the award or maintenance of national competencies. Groups and Services are to arrange work health and safety specific, technical and specialist training for their workers.
10. Training and refresher training appropriate to specific roles must be provided if new or upgraded equipment or processes are introduced into the workplace.
11. Workplaces are to develop training competency profiles whenever a new specialised role or position is identified.

Roles and responsibilities

12. Group Heads and Service Chiefs (as officers of the Person Conducting a Business or Undertaking) are responsible for allocating sufficient resources to effectively manage work health and safety education, awareness and skilling and must:
 - 12.1. establish and provide appropriate work health and safety training programs;
 - 12.2. allocate resources to fund work health and safety specific, technical and specialist training;
 - 12.3. allocate adequate resources for the effective management of work health and safety training within their Group or Service;
 - 12.4. implement and maintain systems that:
 - 12.4.1. identify the education, training, awareness and skills required by all workers to safely conduct their work;
 - 12.4.2. identify gaps between actual and required competency, and any training shortfalls; and
 - 12.4.3. assess work health and safety training programs for effectiveness through appropriate monitoring, evaluation, reporting structures and functions.
13. Defence Work Health and Safety Branch is the policy and business process owner for corporate work health and safety training. Work Health and Safety Branch is to:
 - 13.1. define and maintain Defence-wide work health and safety skilling policy and guidance;
 - 13.2. assist and guide work health and safety skilling policy and guidance as part of its corporate responsibility, where practicable and within its mandate;
 - 13.3. ensure the currency and appropriateness of training content for any skilling products and activities supporting the domain business through a quality assurance function; and
 - 13.4. clear, prior to release, the content of any new work health and safety courses, covering material specific to the Defence work health and safety domain or process that includes work health and safety proficiencies or competencies.
14. Commanders/managers and supervisors must take all practicable steps to protect the health and safety of workers. They have a responsibility to:
 - 14.1. ensure workers under their control receive work health and safety induction training upon entering a new workplace;
 - 14.2. understand how work health and safety issues affect their workers and the work being performed;

- 14.3. provide all workers with appropriate information, education, training, instruction and supervision;
 - 14.4. implement improvements that promote awareness of ways to eliminate or minimise work health and safety related risks so far as is reasonably practicable;
 - 14.5. ensure workers' mandatory or formal work health and safety training and any qualification(s) are verified, updated and maintained on PMKeyS on an annual basis; and
 - 14.6. ensure training records for workers without PMKeyS access are verified, updated and maintained.
15. All workers have a responsibility to:
- 15.1. participate in mandatory work health and safety awareness training programs as defined by Defence and their Group or Service;
 - 15.2. participate in appropriate work health and safety education, instruction, courses or training provided to enable safe work performance;
 - 15.3. discuss their generic and specific work health and safety training, learning and development needs as they relate to their roles and responsibilities, through their chain of command or management;
 - 15.4. apply knowledge gained from work health and safety training in the workplace;
 - 15.5. ensure their PMKeyS record of work health and safety training and qualification(s) is accurate and up-to-date; and
 - 15.6. ensure that other persons (ie visitors) under their control receive work health and safety induction training upon entering a workplace, or escort visitors at all times when at a Defence workplace.

Work health and safety education, awareness and skilling definitions

16. Work health and safety induction – specific to individual workplaces and should form part of worker induction. It is to inform the worker of identified hazards in the immediate work environment, the risks associated with those hazards and detail procedures/controls for interacting with those risks. It is to include information on emergency procedures, how to access first aid services, and who to contact for any work health and safety issues.
17. Work health and safety education – an accumulation of knowledge attained by those workers who require an in-depth understanding of work health and safety. This covers instruction and learning on safety theory provided by external institutions for safety professionals and also encompasses generic instruction on work health and safety roles and responsibilities.
18. Work health and safety awareness training – provides information on the roles and responsibilities of Defence workers in relation to work health and safety to enable them to perform their work in a manner that is safe and without risk to their health and safety, the health and safety of others, or the environment.
19. Work health and safety skilling – competency training to address the range of individual and corporate skill levels required to ensure all Defence workers can work in a safe and healthy manner, in relation to the work conducted.
20. Work health and safety training – the collective term that includes work health and safety education, awareness and skilling.

References and related document

21. [Work Health and Safety Act 2011](#)
22. [Work Health and Safety Regulations 2011](#)

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Defence People Policy, SafetyMan

Work Health and Safety Incident Reporting Policy and Guidance

Policy statement

1. A work health and safety (WHS) incident is any unforeseen occurrence that results in, or could have resulted in, an injury or illness that is linked to employment in Defence, or as a result of a Defence undertaking. This includes WHS incidents for all Defence workers, cadets, and third parties including contractors and other persons including the general public.
2. To meet legislative reporting obligations under the *Work Health and Safety Act 2011* (WHS Act), Defence must report and record WHS incidents. Reporting enables Defence to analyse and better understand the hazards and risks faced by workers to improve work health and safety performance and, ultimately, Defence capability.

Scope

3. This policy applies to all Defence workers including ADF personnel, APS employees, ADF cadets and people involved in other Defence supported youth programs, contractors and other persons.
4. Contractors must report all notifiable incidents that occur in the conduct of Defence business to Defence, regardless of whether Defence is directly supervising the work or if it is occurring on a Defence site.
5. Contractors should report non-notifiable (reportable) incidents to Defence that occur in the conduct of Defence business to Defence if requested to do so by Defence.

Policy - core elements

6. All Defence work health and safety incidents arising from the conduct of Defence business must be recorded in the Defence Work Health and Safety Management Information System (Sentinel). In addition, notifiable incidents under the WHS Act, fatalities, serious injuries or illnesses and dangerous incidents must be notified to the Commonwealth WHS Regulator, Comcare, in accordance with legislative notification timeframes and requirements. See [Table 1](#) below for further information.
7. Defence classifies WHS incidents according to the level of severity or impact on a person. In decreasing order of severity, the severity levels are: fatality; a serious injury or illness of a person; a dangerous incident; a minor injury or illness; an exposure; and a near miss. All WHS incidents, regardless of the level of severity, must be reported to Defence.

Roles and responsibilities

8. All Defence workers and contractors to Defence are to render assistance, in the first instance, when responding to WHS incidents (contact a qualified first aider or medic, or call for an ambulance if required), and ensure that a supervisor or other appropriate person (e.g. contract manager) is made aware of the incident as soon as possible after it occurs. All notifiable incidents are required to be notified to Comcare and the incident site must be preserved. See the section [Duty to preserve incident sites](#) for further information.
9. The relevant commander or manager, or their delegate, is responsible for ensuring that Comcare is notified of notifiable incidents (within the required timeframes as specified in [Table 1](#) of this policy), and that all WHS incidents are reported to Defence in Sentinel.



Generally the delegate is the supervisor unless the commander or manager directs otherwise. The supervisor is either the:

- 9.1. workplace supervisor in charge of the activity or work area where the incident occurred; or
 - 9.2. PMKeyS supervisor of the person(s) affected by the incident (if a supervisor of the activity or workplace cannot be identified).
10. Workplaces shared by a Commonwealth entity and one or more state-based contractors may be covered by both Commonwealth and state or territory work health and safety laws. If an incident has occurred at a place where work is carried out for Defence (on behalf of the Commonwealth) the contractor must ensure that both Comcare and relevant state or territory WHS regulators are notified of the incident.
 11. Defence and the contractor should coordinate so that only one notification is made to Comcare on behalf of both. For further information, refer to Comcare Guide to Work Health and Safety Incident Notification.

Notifiable incidents and regulator notifications

12. A fatality, serious injury or illness, or dangerous incident is a 'notifiable' incident and must be notified to Comcare immediately by phone on 1300 366 979 (or +612 6276 0333 if overseas) or via the fastest possible means, once the Defence commander/manager, local WHS representative or contract manager becomes aware and confirms that a notifiable incident has occurred.
13. Written notification must be provided to Comcare within 48 hours of the initial phone notification to Comcare. Written notification is automatically submitted to Comcare via Sentinel once the Event workplace supervisor finalises the Event Additional Questions - Supporting Information Form, provided question 31.1 (Did the Event involve a person who suffered a Fatality, Serious Injury or Illness; or was it a Dangerous Incident as defined in the WHS Act?) of the form is answered 'Yes'. Refer to SafetyMan, Work Health and Safety Incident Reporting Procedure 01 - Sentinel Reporting for more information including Sentinel outages.
14. If information received later changes the incident severity type of an incident already notified to Comcare, and the severity type of the incident needs to be upgraded or downgraded, Comcare must be advised immediately. For further information refer to SafetyMan, Work Health and Safety Incident Reporting Procedure 01 - Sentinel Reporting.
15. A fatality, serious injury or illness, or dangerous incident that occurs on a declared operation (overseas), as defined within the WHS Act (application to Defence activities and Defence members) Declaration 2012, is not required to be notified to Comcare, however must be reported to Defence.
16. Domestic deployments such as Defence Aid to the Civil Community tasks involving provision of capability to the Commonwealth and state governments as a result of high risk weather events, natural disaster and pandemics, do not meet the requirements of the WHS Act (application to Defence activities and Defence members) Declaration 2012. Any notifiable incidents must be notified to Comcare.
17. **Radiation incidents.** All radiation safety incidents are to be raised in Sentinel and reported to the Group or Service Nominee through the Radiation Safety Officer, Defence Radiation Safety and Assurance (DRSA) must also be advised. If there is a requirement for Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) to be notified, this action will be undertaken by DRSA. Further information on radiation incidents can be found in the SafetyMan, Work Health and Safety Incident Reporting Procedure 01 - Sentinel Reporting.

Duty to preserve incident sites

18. The person with management or control of a workplace at which a notifiable incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed until a Comcare inspector arrives at the site or any earlier time that an inspector directs.
19. Site preservation duty does not prevent any action to assist an injured person; to remove a deceased person; or that is essential to make the site safe or to minimise the risk of a further incident. Consideration should be taken as to whether it is appropriate to take photos, drawings or notes about the scene. This advice should be sought during the notification phone call to Comcare. The site includes any plant, substance, structure or thing associated with the notifiable incident.
20. Site preservation, for the purpose of Comcare inspections, does not apply to fatalities, serious injury or illness of a person, or dangerous incidents that occur on declared operations (overseas). This does not exclude other reporting and scene preservation requirements that exist. Actions and reporting must be in accordance with this policy and guidance, Defence Incident Scene Initial Action and Preservation Manual (DISIAPM) chapter 3, and any Operation Order (OPORD) issued by Chief of Joint Operations (CJOPS).

Reporting incidents to Defence

21. All work health and safety incidents are to be reported to Defence using the Sentinel application available on the Defence Protected Network (DPN). For those with no access to the DPN, form AE527 Sentinel Event Report - Non-DPN (DRN) Users or form AE527-2 Sentinel WHS Event Report for ADF Youth Cadets - Non-DPN (DRN) Users can be accessed via the Defence internet. Refer to SafetyMan, Work Health and Safety Incident Reporting Procedure 01 - Sentinel Reporting for guidance.
22. Incidents occurring in remote areas where internet access is not available, are still required to be reported in Sentinel. The reporter may need to advise the details of the incident (as much as is known at the time) to a Defence contact with access to the DPN, so that the incident can be reported on their behalf within the required timeframes.
23. The table below contains the notification timeframes to Defence and Regulators (where applicable).

Table 1: WHS incident reporting timeframes

WHS incident severity type	Initial report	Report in Sentinel	Written notification	Closed in Sentinel	Incidents involving radiation
Fatality Serious Injury or Illness Dangerous Incident	Phone Comcare immediately Note. Notification to Comcare is required immediately after becoming aware that a notifiable incident arising from the business or undertaking has occurred. Notification in the first instance should be by phone: 1300 366 979 (within Australia) +61 2 6276 0333 (outside Australia)	Within 24 hours	Within 48 hours of initial phone call to Comcare. Note. Sentinel will automatically send the written notification to Comcare when the Workplace Supervisor completes all the required actions in Sentinel.	Within 28 days	All radiation safety incidents are to be reported in Sentinel. Note. Notification of radiation accidents (to ARPANSA) will be undertaken by DRSA ONLY.
Minor Injury, Exposure or Near Miss	Not required for Comcare	Within 3 days	Not required for Comcare	Within 28 days	
Note. For reporting timeframes of incidents involving youth under 18, refer to the Youth Policy Manual (YOUTHPOLMAN) Part 1, Section 3, Chapter 3 and 4.					

References and related documents

24. [Work Health and Safety Act 2011](#)
25. [Work Health and Safety Regulations 2011](#)
26. [Comcare, Guide to Work Health and Safety Incident Notification](#)

SafetyMan

27. [Work Health and Safety Incident Reporting Procedure 01 - Sentinel Reporting](#)

Other resources

28. [Defence Incident Scene Initial Action and Preservation Manual](#) (DISIAPM)
29. [Youth Policy Manual](#) (YOUTHPOLMAN)
30. How to Report a WHS Event during Sentinel outages, via [WHS Event/Incident Reporting](#) page
31. [Sentinel](#) - WHS Incident Online Reporting and Analysis Tool
32. [Sentinel Help](#) page
33. [Support Resources for Sentinel Users](#) page

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Defence People Policy, SafetyMan

WHS Incident Reporting Procedure 01 – Sentinel Reporting

Introduction

1. A work health and safety (WHS) incident is any unforeseen occurrence that results in, or could have resulted in, an injury or illness that is linked to employment in Defence, or as a result of a Defence undertaking. This includes WHS incidents for all Defence workers, cadets, and third parties including contractors and other persons including the general public.
2. SafetyMan, WHS Incident Reporting Policy and Guidance sets the requirements for the reporting of WHS incidents that occur during Defence-related activities through Sentinel.
3. Defence-related activities include:
 - 3.1. normal duties;
 - 3.2. working from home;
 - 3.3. Voluntary Unpaid Duty or Voluntary Unpaid Attendance;
 - 3.4. approved work-related travel; and
 - 3.5. approved study leave and associated travel.

Notifiable WHS incidents

4. Section 35 of the *Work Health and Safety Act 2011* (WHS Act) defines a 'notifiable incident' as:
 - 4.1. the death of a person, or
 - 4.2. the serious injury or illness of a person, or
 - 4.3. a dangerous incident.
5. **Fatality.** The WHS Act does not elaborate on the term 'death'. In the Defence incident reporting context, a work-related fatality of any person including a member of the public, a contractor or a worker, whether or not it occurred at a workplace, is notifiable if it arises out of the conduct of the employer's undertaking. It is also notifiable if it arises out of work performed by an employee in connection with their employer's undertaking.
6. **Serious injury or illness.** Section 36 of the WHS Act sets out that a serious injury or illness of a person is an injury or illness requiring the person to have:
 - 6.1. immediate treatment as an in-patient in a hospital. This includes admission into a hospital as an in-patient for any duration, even if the stay is not overnight or longer, but does not include out-patient treatment provided by the emergency section of a hospital – that is, not requiring admission as an in-patient;
 - 6.2. immediate treatment for the amputation of any part of the body such as a limb (an arm or leg), body part such as hand, foot or the tip of a finger, toe, nose or ear;
 - 6.3. immediate treatment for a serious head injury such as fractured skull, loss of consciousness, blood clot or bleeding in the brain, and any head injuries resulting in temporary or permanent amnesia immediate treatment for a serious eye injury that results in or is likely to result in the loss of the eye or total or partial loss of vision;



- 6.4. immediate treatment for a serious burn requiring intensive care or critical care which could require compression garment or a skin graft;
- 6.5. immediate treatment for the separation of skin from an underlying tissue – degloving or scalping – where tendon, bone or muscles are exposed;
- 6.6. immediate treatment for a spinal injury to the cervical, thoracic, lumbar or sacral vertebrae including the disc and spinal cord;
- 6.7. immediate treatment for the loss of a bodily function such as loss of consciousness, loss of movement of a limb or loss of the sense of smell, taste, sight or hearing, or loss of function of an internal organ;
- 6.8. immediate treatment for serious lacerations such as deep or extensive cuts that cause muscle, tendon, nerve or blood vessel damage or permanent impairment, deep puncture wounds, tears to the flesh or tissues that may include stitching to prevent loss of blood and/or other treatment to prevent loss of bodily function and/or infection; or
- 6.9. medical treatment within 48 hours of exposure to a substance where treatment is provided by a doctor including exposure to chemicals, airborne contaminants and exposure to human and/or animal blood or body substances.
7. In addition to the injuries or illnesses that are defined by the type of treatment required, two types of illnesses are specifically included in the definition of 'serious injury or illness'. The first is any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carry out work. Notification is also required for the following prescribed serious injuries or illnesses:
 - 7.1. that involves providing treatment or care of a person;
 - 7.2. that involves contact with human blood or body substance; or
 - 7.3. that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.
8. The second type of specified illness is certain occupational zoonosis – any disease which is communicable to humans from another animal species – contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.
9. In the case of a serious injury or illness it does not matter whether a person actually received treatment, just that the injury or illness could reasonably be considered to warrant such treatment.
10. **Dangerous incident.** Section 37 of the WHS Act sets out that a dangerous incident is an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:
 - 10.1. an uncontrolled escape, spillage or leakage of a substance;
 - 10.2. an uncontrolled implosion, explosion or fire;
 - 10.3. an uncontrolled escape of gas or steam;
 - 10.4. an uncontrolled escape of a pressurised substance;
 - 10.5. electric shock – as defined in the Managing Electrical Risks in the Workplace Code of Practice;
 - 10.6. the fall or release from a height of any plant, substance or thing;

- 10.7. the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the Work Health and Safety Regulations 2011 (WHS Regulations);
- 10.8. the collapse or partial collapse of a structure;
- 10.9. the collapse or failure of an excavation or of any shoring supporting an excavation;
- 10.10. the inrush of water, mud or gas in workings, in an underground excavation or tunnel;
- 10.11. the interruption of the main system of ventilation in an underground excavation or tunnel; or
- 10.12. any other event prescribed by the WHS Regulations.
11. For most hazards such as plant, or a structure collapsing, a person will need to be in the immediate vicinity to be exposed to a serious risk to their health and safety. However, some hazards such as an uncontrolled leak of a hazardous gas or a fire can travel towards a person and expose them to a serious risk to health and safety away from the original source.
12. A dangerous incident includes both immediate serious risks to health or safety, and also a risk from an immediate exposure to a substance which is likely to create a serious risk to health or safety in the future, for example hazardous chemicals.
13. For further guidance on notifiable definitions and what is and is not included, refer to Comcare's 'Guide to Work Health and Safety Incident Notification'.

Reportable WHS incidents

14. Reportable incidents are only reported to Defence and notification to Comcare is not required. These include:
 - 14.1. **Minor injury.** Any minor injury or illness that did not result in a fatality, serious injury or illness or a dangerous incident that was a direct result of either a Defence undertaking and/or occurred in a Defence controlled workplace.
 - 14.2. **Exposure.** Where an exposure or potential exposure to a substance/material including workplace hazards or exposure to a traumatic event has occurred that does not result in any immediate effects, and does not fall within the dangerous incidents definitions for immediate or imminent exposure.
 - 14.3. **Near miss.** An incident where no person is injured, but could have been injured, resulting in serious injury or death but where the risk to a person's health that was not immediate or imminent and the incident does not fall within the definitions of a dangerous incident.

Reporting requirements for specific incidents

15. **Communicable diseases.** Work-related transmission of communicable diseases, including COVID-19, influenza and similar diseases, should be treated in the same manner as any other work-related WHS incident for reporting purposes. Work-related communicable diseases are primarily caused by occupational (or workplace) related exposure, including through but not limited to airborne, surface or insect-borne transmission. Communicable diseases that have been acquired through community exposure – that is, not arising from the workplace – do not need to be reported in Sentinel.
16. **Radiation safety incident.** A radiation safety incident is any abnormal incident involving a radiation source, which results in, or has the potential to result in, an exposure to radiation in any person or the environment, outside the range normally expected for a particular practice. Incidents may involve controlled or non-controlled sources and include incidents

resulting from operator error, equipment failure, of the failure of radiation management systems.

17. **Radiation safety accident.** An incident becomes classified as an accident when the radiation exposure causes, or has potential to cause, acute injury or harm to any person or damage to the environment. By definition, accidents will only involve controlled sources and may include laser strikes to the eyes and radiation burns.
18. All radiation safety incidents are to be raised in Sentinel and reported to the Group or Service Nominee through the Radiation Safety Officer. In parallel with this requirement, Defence Radiation Safety and Assurance (DRSA) must also be notified and their advice sought on any follow-up requirements.
19. If there is any requirement for the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) to be notified or further advice is required, then this action will rest with DRSA in accordance with the section 58 (2)(C) of the Australian Radiation Protection and Nuclear Safety Regulations 2018. There is no requirement for any other Defence personnel to notify an incident or accident directly to ARPANSA. The Nominee is to ensure all incidents and accidents are included in their Defence Quarterly Report.
20. For further information refer to the Defence Radiation Safety Manual.

ADF cadet incidents

21. An Involved Person who is an ADF cadet is to be recorded as a 'Visitor' in Sentinel. Refer to Sentinel Help on the WHS Branch intranet page for further guidance.
22. For further information on ADF cadet incidents, refer to the Youth Policy Manual (YOUTHPOLMAN), Part 1, Section 3, Chapters 3 and 4.

Aviation safety incidents

23. As detailed in the Defence Aviation Safety Manual, for aviation safety incidents and issues there are additional reporting and notification requirements which are not covered in this policy. Aviation Safety Reporting (ASR) is focused on the risk to people arising from aircraft operations and encompasses both the manner in which aircraft are flown, and the tasks, activities and management systems whose primary purpose is to enable safe flight. For more information, refer to the WHS Branch Aviation Safety Report (ASR) page, or the Defence Flight Safety Bureau Aviation Safety Reporting (ASR) in Sentinel page.

Medical episodes

24. A medical episode is where an Involved Person may have a pre-existing medical condition or undiagnosed medical condition that results in an injury, hospitalisation or death whilst at work or undertaking an activity that is linked to Defence work.
25. These incidents are to be reported in Sentinel, even though it may be difficult to determine at the time of the incident if the workplace or work-related activity caused or contributed to the incident. Reporting medical episodes assists in assessing the effectiveness of immediate responses or actions to the incident – for example, first aid, calling an ambulance – and the availability and effectiveness of resources, like an automatic external defibrillator.

Unacceptable behaviour

26. Unacceptable behaviour is unreasonable conduct at work or in any situation that may be connected to Defence that is offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion. This includes unlawful discrimination and harassment.

27. Unacceptable behaviour in the workplace is not condoned, and neither is the mismanagement or disregard of complaints. Defence is committed to ensuring that incidents of unacceptable behaviour are dealt with appropriately. Defence Instruction - Administrative policy PPL7 - Required behaviours in Defence, and the Complaints and Alternative Resolutions Manual (CARM) is the Defence policy and guidance on unacceptable behaviour in the workplace.
28. WHS incidents, hazards or issues that are of a bullying and harassment nature should be entered into Sentinel. All WHS incidents reported in Sentinel have been configured to protect the involved parties.
29. A worker can report an allegation of bullying/harassment in Sentinel as a WHS incident before it has been investigated. Should the incident be found not to be reportable in Sentinel, the Workplace Supervisor can reject or cancel the incident report.
30. However, if the incident for bullying/harassment has not already been entered in Sentinel, and is currently under investigation in accordance with Group or Service policy, and it is determined there is a reportable injury or illness, the incident then needs to be entered into Sentinel.
31. Entering an unacceptable behaviour incident into Sentinel does not remove the requirement to record the incident in the Complaint Management, Tracking and Reporting Self Service, and the completion of a Defence Incident Record.
32. Any complaint or incident involving a person under 18 years of age in a Defence context must be considered as a youth protection incident and should be recorded in Sentinel. For information contact the Defence Youth Protection Contact Officer at youth.protection@defence.gov.au or on +61 408 157 133 during Defence business hours (AEST). Refer to YOUTHPOLMAN, Part 1, Section 3, Chapters 3 and 4.
33. For further information relating to reporting unacceptable behaviour incidents refer to Complaints & Alternate Resolutions Manual, Chapter 3, Part 4 - Reporting and recording of incidents of unacceptable behaviour.

Flexible working arrangements

34. Flexible working arrangements include changes to hours of work, patterns of work and locations of work. Under the WHS Act a workplace is any place where work is carried out for Defence and includes any place where a worker goes, or is likely to be, while at work. This includes an employee's home.
35. Working from home can introduce new risks and commanders, managers and Defence personnel have an obligation to support healthy and safe work. To understand if an injury arises from the course of employment during home-based work, consideration should be given to:
 - 35.1. defining the workplace;
 - 35.2. establishing the hours of work;
 - 35.3. expectation for daily work activities; and
 - 35.4. check in with workers each day they are scheduled to be working.
36. For further information refer to People Policy, Flexible Working Arrangements and SafetyMan, Remote or Isolated Work Policy.

Travel to and from normal place of work incidents

37. An incident that occurs when travelling to and from a person's normal place of work is not reportable to Defence or notifiable to Comcare. This is due to the incident not resulting from a Defence activity or undertaking and therefore does not need to be reported in Sentinel.
38. Where there are unusual circumstances to an incident – for example, a person is recalled to duty early or was fatigued due to work-related demands – then it may be considered a work-related WHS incident and is required to be reported in Sentinel. If/when the incident meets the criteria for a notifiable incident, then, in addition to reporting the incident in Sentinel, Comcare is to be notified in accordance with SafetyMan, Work Health and Safety Incident Reporting Policy and Guidance, Table 1.
39. For ADF personnel, this should not be confused with the *Military Rehabilitation and Compensation Act 2004* which provides access to treatment, rehabilitation and compensation for personnel injured while travelling to or away from a place of duty (section 27) – exclusions apply.
40. **Use of Defence vehicles.** Where Defence workers have been authorised to take a Defence vehicle home for a work-related reason – for example, an early morning departure from home for a business-related trip – then an incident while driving the vehicle would be work-related and require reporting in Sentinel.
41. Reporting of incidents involving Defence vehicles are detailed in the Defence Road Transport Manual, Chapter 10.

ADF sport incidents

42. A member of the ADF is deemed to be on duty where they are involved in ADF sport, approved by the ADF Sport Council, in accordance with the Military Personnel Policy Manual, part 3, chapter 3, 'Sport in Defence'. Injuries or illnesses suffered while involved in such sporting events is reportable in Sentinel. A copy of the approval must be attached to the incident.

Casualty notification of ADF personnel

43. When ADF personnel die, become seriously injured or ill, are missing-believed-dead or missing, or have been captured, Defence must ensure all relevant people are notified. It is imperative that mandatory reporting actions occur in accordance with the provisions of the Casualty Manual, Chapter 1.
44. The formal notification of injury or illness, or death for ADF cadets is to be conducted in accordance with YOUTHPOLMAN.

Report on defective or unsatisfactory materiel

45. Where a WHS incident has occurred where someone has become injured or ill or almost injured as a result of defective or unsatisfactory materiel, a Report on Defective or Unsatisfactory Materiel (RODUM) must be completed, in addition to reporting in Sentinel. A RODUM can be raised:
 - 45.1. on the Report on Defective or Unsatisfactory Materiel hub – preferred; or
 - 45.2. by submitting a web form AC446, Report on Defective or Unsatisfactory Materiel (RODUM) - Land.

Support resources - reporting in Sentinel

46. Further information on notification and reporting may be obtained through:
- 46.1. Sentinel Help on the WHS intranet;
 - 46.2. Sentinel Business Support Team by emailing whs.sentinel@defence.gov.au;
 - 46.3. Contacting 1800 Defence; and
 - 46.4. Sentinel user portal including:
 - 46.4.1. visual guides;
 - 46.4.2. reference guides; and
 - 46.4.3. Sentinel user manuals.

Sentinel outages

47. Notifiable incident reporting timeframes are mandatory and must continue to be met during an outage. Refer to Reporting a WHS incident during Sentinel outages on the WHS intranet webpage for guidance.

References and related documents

[Military Rehabilitation and Compensation Act 2004](#) (MRCA)

[Work Health and Safety Act 2011](#)

[Australian Radiation Protection and Nuclear Safety Regulations 2018](#)

[Work Health and Safety Regulations 2011](#)

[Managing Electrical Risks in the Workplace Code of Practice](#)

SafetyMan, [WHS Incident Reporting Policy and Guidance](#)

[Casualty Manual](#) (CASMAN)

[Complaints and Alternative Resolutions Manual](#) (CARM)

[Defence Radiation Safety Manual](#) (DRSM)

[Incident Reporting and Management Manual](#) (IRMMAN)

[Youth Policy Manual](#) (YOUTHPOLMAN)

[Aviation Safety Report \(ASR\)](#) page, WHS Branch

[Aviation Safety Reporting \(ASR\) in Sentinel](#) page, Defence Flight Safety Bureau

[Complaint Management, Tracking and Reporting Self Service](#) (ComTrack Self Service)

[Defence Incident Record](#) page

[Defence Radiation Safety and Assurance](#) (DRSA) home

How to Report a WHS Event during Sentinel outages, via [WHS Event/Incident Reporting](#) page

[Report a WHS Incident or Injury](#) poster

[Report on Defective or Unsatisfactory Materiel](#) (RODUM) hub

[Sentinel](#) – WHS Incident Online Reporting and Analysis Tool

[Sentinel Help](#) page

[Support Resources for Sentinel Users](#) page

[Guide to Work Health and Safety Incident Notification](#), Comcare

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Defence People Policy, SafetyMan

Work Health and Safety Roles, Responsibilities and Accountabilities Policy

Policy statement

1. Every member of Defence has work health and safety responsibilities, and where relevant, these are outlined in specific SafetyMan policies, guidance and procedures.

Scope

2. This policy applies to all Defence workers including ADF personnel, APS employees, ADF cadets, and people involved in other Defence supported youth programs, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. The table below outlines the organisational-level work health and safety roles, responsibilities and accountabilities.

Table 1: Organisational-level work health and safety roles, responsibilities and accountabilities

Organisational element or office holder	Roles, responsibilities and accountabilities
Department of Defence	Defence is an agency responsible for fulfilling Commonwealth work health and safety obligations as the Person Conducting the Business or Undertaking.
Defence People Group – Work Health and Safety Branch	As the enterprise level owner of the work health and safety function in Defence, the Work Health and Safety Branch within Defence People Group is responsible for developing and maintaining the Defence Work Health and Safety Management System and ensuring its compliance with work health and safety legislation. The Defence Work Health and Safety Management System includes Defence solutions for policy, training and assurance where practicable. The Work Health and Safety Branch responsibilities also include provision of organisational tools for hazard reporting and risk management.



Organisational element or office holder	Roles, responsibilities and accountabilities
<p>Officers of the Person Conducting a Business or Undertaking—ie the Chief of the Defence Force, Secretary of Defence, Associate Secretary, Vice Chief of the Defence Force, Group Heads and Service Chiefs</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> - the health and safety of their workforce; and - implementing SafetyMan policies, guidance and procedures, contextualised where required, for their part of the Defence undertaking. <p>Accountable to the Commonwealth for:</p> <ul style="list-style-type: none"> - implementing Defence work health and safety policies within their Group or Service; - developing, implementing and evaluating an appropriate work health and safety management system; - appointing a Group Safety Coordinator (or equivalent) and other appointments to provide work health and safety advice and support; - exercising due diligence in accordance with the <i>Work Health and Safety Act 2011</i>, Part 2, Division 4, Section 27- Duty of officers; and - consulting, coordinating and cooperating with others to ensure mutual responsibilities and accountabilities are achieved. <p>SafetyMan, Due Diligence Policy and Guidance serves as guidance to support Defence officers of the Person Conducting a Business or Undertaking in developing their due diligence arrangements.</p>
<p>Upstream duty holders</p>	<p>Upstream duty holders include the Group Heads of Capability Acquisition and Sustainment Group, Estate and Infrastructure Group, Vice Chief of the Defence Force Group, Chief Information Officer Group, Joint Capability Group and the three Service Chiefs (for joint operations and provision of materiel). Upstream duty holders have additional responsibilities to those detailed previously in this table.</p> <p>Upstream duty holders provide a range of products and services and are responsible for providing information about the hazards and controls associated with their products/services to capability managers and their subordinate commanders and managers. This information is provided for safety management action. Appropriate information includes orders, instructions and publications and supplementary information at the discretion of the capability manager.</p>
<p>Regulatory Authorities</p>	<p>Responsible for prescribing certification processes for plant, equipment, substances and infrastructure to ensure upstream duty holders apply best practice design standards and provide sufficient risk management information to downstream Groups/Services.</p>

Organisational element or office holder	Roles, responsibilities and accountabilities
Technical Regulatory Authorities for land, sea and air domains	Responsible for prescribing processes and standards to ensure both the technical integrity of materiel and the health and safety of workers who are required to operate and handle materiel throughout the capability life cycle.
Lead authorities, element leads, safety domain owners and Service Chiefs/Group Heads responsible for coordination layers	<p>The Defence Work Health and Safety Accountability Framework (Figure 1) provides the framework for an officer of the person conducting a business or undertaking to act as the lead authority for a work health and safety element within Defence. Element leads are responsible for:</p> <ul style="list-style-type: none"> - providing policy, processes, practices and assurance for their relevant element/s; and - consulting, cooperating and coordinating with other Groups and Services. <p>Safety domain owners are responsible for activities that are high risk and that require significant technical expertise that is common to more than one Group or Service, for example Chief of Joint Capabilities (CJC) is the safety domain owner of Youth Safety, radiation and fuel safety, and Explosive Ordnance Safety System. Safety domain owners hold the same health and safety responsibilities as lead authorities.</p> <p>Group Heads and Service Chiefs responsible for coordination layers are responsible for providing common policy, processes, practices and assurance across individual Group and Service safety management systems, and for ensuring adequate consultation, cooperation and coordination for activities that have a significant element of cross Group/Service participation.</p> <p>Lead authorities, safety domain owners and coordination layer leads are accountable to the Secretary and Chief of the Defence Force for:</p> <ul style="list-style-type: none"> - ensuring governance and assurance mechanisms are in place for meeting work health and safety obligations; and - providing policy and guidance and making tools available for implementation within Group/Service safety management systems.

Organisational element or office holder	Roles, responsibilities and accountabilities
Commanders and managers	<p>In addition to their responsibilities as workers, commanders and managers are responsible for:</p> <ul style="list-style-type: none"> - promoting work health and safety policies and procedures, - acquiring and keeping up to date knowledge of work health and safety matters commensurate with their position, - providing adequate resources for safety management, - ensuring a safe work environment, - providing supervision to others to ensure workplace health and safety, and - consulting with workers on matters relating to work health and safety.
Workers	<p>All Defence workers are responsible for:</p> <ul style="list-style-type: none"> - supporting the officers of the Person Conducting a Business or Undertaking to meet their responsibilities; - working in a way that does not present a risk to themselves, others or the environment; - complying with any reasonable direction given in relation to health or safety at work, including the appropriate use of equipment provided to protect health and safety; - complying with Defence policies and orders, instructions and publications at work; - participating in local health and safety consultative forums; - reporting all incidents, defects, hazards and inadequacies of procedures so that appropriate review and corrective action can be taken; - assisting in identifying work health and safety-related training and development needs and attending training; and - complying with the codes of conduct (for the relevant Service and/or the Australian Public Service).

5. In order that the WHS Act does not result in any action that could prejudice Australia's defence, Part 1, Division 4, Section 12D (2) – Act not to prejudice Australia's defence of the WHS Act, enables the Chief of the Defence Force, with the approval of the Minister, to declare that specified provisions of the WHS Act do not apply to the Australian Defence Force. Advice on extant declarations and exemptions may be obtained from the Work Health and Safety Branch website.
6. Those in work positions involving interaction with youth under 18 have additional roles, responsibilities and accountabilities; refer to Youth Policy Manual (YOUTHPOLMAN) Part 1 for further information.

Requests for such exemptions are to be discussed with the Assistant Secretary Work Health and Safety. Exemptions:

- 6.1. must be specific in nature;
- 6.2. provide protection from prosecution under the WHS Act in Australian courts;
- 6.3. do not exclude workers from complying with Defence policies or orders, instructions and publications; and
- 6.4. do not exclude workers from the requirement to take reasonable care for personal health and safety.

7. The figure below depicts the Defence Work Health and Safety Accountability Framework.

Figure 1: Defence Work Health and Safety Accountability Framework

References and related documents

8. [Work Health and Safety Act 2011](#)
9. [Work Health and Safety Regulations 2011](#)

SafetyMan

10. [Due Diligence Policy and Guidance](#)

Other Resources

11. [Defence Youth Policy Manual \(YOUTHPOLMAN\)](#)
12. [WHS Governance, Legislation, Codes of Practice, Policy, Declarations and Exemptions](#)

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Defence People Policy, SafetyMan

Work Health and Safety Incident Investigation Policy and Guidance

Policy statement

1. Defence investigates work health and safety incidents to determine the cause or causes and what measures may be required to prevent recurrence.

Scope

2. This policy applies to all Defence workers, including ADF personnel, APS employees, ADF cadets and people involved in other Defence supported youth programs.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. The intent of a work health and safety incident investigation is to establish the reasons why an incident happened and identify future preventative measures. Work health and safety incident investigations do not apportion blame or determine liability.
5. Work health and safety incident investigations are conducted as a fact finding activity.
6. For this policy, work health and safety incident investigations are categorised into three levels:
 - 6.1. Level 1 investigation is a fact finding investigation of simple or non-serious work health and safety incidents. These should be completed for all Defence reportable work health and safety incidents, eg minor injury, exposure and near miss;
 - 6.2. Level 2 investigations involve a detailed review of a serious injury or illness and dangerous incident incidents or other work health and safety incidents which may adversely affect capability, personnel, property or reputation to Defence. These should be completed for all Comcare notifiable serious injury or illness and dangerous incident incidents; and
 - 6.3. Level 3 investigations is an in depth analysis of a serious or complex work health and safety incident where there is likely to be a systemic cause. Level 3 investigations must be led by a person with formal qualification and experience in work health and safety and root cause analysis.
7. For further information refer to SafetyMan, Work Health and Safety Incident Investigation Procedure 01 - Levels of Investigation, including suggested investigator competencies.
8. For information on conducting safety investigations involving youth under 18, refer to YOUTHPOLMAN Part 1 Section 3 Chapters 3 and 4.
9. This policy does not apply to investigations initiated by the Regulator. A Comcare investigation does not preclude Defence from investigating an incident.

Roles and Responsibilities

10. Group Heads and Service Chiefs as officers of the person conducting a business or undertaking are responsible for allocating sufficient resources to effectively manage their own work health and safety incident investigation policies and guidance or follow the



SafetyMan, Work Health and Safety Incident Investigation Procedure 01 - Levels of Investigation.

11. Commanders/managers and supervisors at all levels are responsible for determining the level of a work health and safety incident investigation and undertaking steps in accordance with this policy: This includes:
 - 11.1. completing (or supervising) all Level 1 investigations;
 - 11.2. discussing the requirement for Level 2 and Level 3 investigations with the relevant Group Safety Coordinator; and
 - 11.3. ensuring that all endorsed recommendations from work health and safety incident investigations are implemented.
12. Work Health and Safety Branch can provide assistance with:
 - 12.1. liaising with the Regulator regarding work health and safety incidents of interest; and
 - 12.2. oversight and governance of Defence work health and safety incident investigations.
13. Group Safety Coordinators provide advice and support to their Group or Service on work health and safety matters. In the context of this policy guidance, this includes providing advice to commanders/managers and supervisors with Level 3 investigations in their Group or Service.
14. While at work, workers must take reasonable care for their own health and safety and that of others who may be affected by their actions or omissions. This includes:
 - 14.1. consulting with commanders/managers and supervisors in relation to participating in work health and safety incident investigations;
 - 14.2. complying with all instructions provided, including the information in the SafetyMan, Work Health and Safety Incident Investigation Procedure 01 – Levels of Investigation; and
 - 14.3. taking reasonable steps to protect their own and other workers safety.

References and related documents

15. [Work Health and Safety Act 2011](#)
16. [Work Health and Safety Regulations 2011](#)

SafetyMan

17. [WHS Incident investigation Procedure 01 – Levels of Investigation](#)
18. [WHS Incident Investigation Procedure 02 – Incident Investigation Templates](#)
19. [WHS Incident Investigation Procedure 03 – WHS Investigation Plan Template](#)
20. [WHS Incident Investigation Procedure 04 – Letter of Appointment Template](#)
21. [WHS Incident Investigation Procedure 05 – Terms of Reference Template](#)
22. [WHS Incident Investigation Procedure 06 – WHS Investigation Report Template](#)

Other Resources

23. [Defence Youth Policy Manual \(YOUTHPOLMAN\)](#)

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Defence People Policy, SafetyMan

Work Health and Safety Incident Investigation Procedure 01 - Levels of Investigation

1. The following information is provided to assist Defence workers to administer, implement or apply the SafetyMan, Work Health and Safety Incident Investigation Policy and Guidance.

Level 1 investigation (low level)

2. A Level 1 investigation should be completed for all Defence reportable work health and safety incidents (minor injury, exposure, and near miss):
 - 2.1. a Level 1 investigation requires the local manager or supervisor to investigate the incident and to take or recommend action to prevent a recurrence, eg routine inquiry;
 - 2.2. this level of investigation requires only the knowledge and experience of the manager or supervisor to achieve the investigation outcomes;
 - 2.3. a Level 1 investigation is a fact finding investigation of simple and/or non-serious work health and safety incidents. The local manager or supervisor should drive the fact finding process to ensure they have sufficient information to make recommendations to prevent a recurrence;
 - 2.4. the Campus course ID 00009631 Fact Finding in Incident Management, may assist managers and supervisors gain an understanding of fact finding;
 - 2.5. refer to the guide - Good Decision-Making in Defence: A Guide for Decision-Makers and Those Who Brief Them, for more information; and
 - 2.6. the investigation results are to be recorded in Sentinel following their guidelines.

Level 2 investigation (mid level)

3. A Level 2 investigation involves a detailed review of a serious injury or illness, dangerous incident or other work health and safety incident which may adversely affect capability, personnel, property or reputation of Defence. These investigations will:
 - 3.1. determine the cause of the incident;
 - 3.2. determine the likelihood of recurrence;
 - 3.3. identify contributing factors or root causes;
 - 3.4. enable the development of risk management controls to prevent or mitigate the risk of future incidents recurring;
 - 3.5. contribute to the continuous improvement of Defence's Safety Management System; and
 - 3.6. share the lessons learned across Defence.



4. Level 2 investigations should take the form of either enhanced fact finding or a formal inquiry process. The commander/supervisor or manager should consider issuing Terms of Reference found in the Work Health and Safety Incident Investigation Procedures, to drive the enhanced fact finding or inquiry process. The reports of these processes should be legally reviewed to ensure they contain sufficient information for the appointing supervisor or manager to understand the root causes of the work health and safety incident and the recommendations are appropriate to prevent, or so far as is reasonably practicable mitigate the risk of recurrence.
5. A Level 2 investigation should be completed (or led) by an investigator with formal training in conducting fact finding or inquiry processes and root cause analysis. Some suggested formal training competencies are:
 - 5.1. BSB41419 - Certificate IV in Work Health and Safety or equivalent;
 - 5.2. BSB51319 – Diploma of Work Health and Safety or equivalent;
 - 5.3. Unit of competency BSBWHS515 – Lead initial response to and investigate WHS incidents or equivalent;
 - 5.4. Unit of competency BSBWHS416 – Contribute to workplace incident response or equivalent;
 - 5.5. The Campus course ID 00009631 Fact Finding in Incident Management;
 - 5.6. The Campus course ID 00014315 Conducting Inquiry Officer Inquiries;
 - 5.7. Defence Aviation Accident Investigator Course; and
 - 5.8. Defence Maritime Accident Investigator Course.
6. The above list is a suggested baseline but Groups and Services may determine other relevant training competencies based on individual requirements. It is recommended that a pool of investigators with suitable skills to conduct or assist in Level 2 investigations is maintained within their Group or Service.
7. Where the investigator does not possess root cause analysis training and relevant work health and safety knowledge and experience, they should be assisted by persons with that expertise.
8. The investigation results must be recorded in Sentinel following their guidelines.

Level 3 investigation (high level)

9. A Level 3 investigation is an in-depth analysis of a serious and/or complex work health and safety incident. Whether a Level 3 investigation should be conducted is a matter for judgement and should be considered under the following circumstances:
 - 9.1. a fatality or serious injury;
 - 9.2. significant damage to property;
 - 9.3. involvement of other Federal or State government work health and safety or police agencies;
 - 9.4. a work health and safety incident which has a clear likelihood to attract a prosecution or civil claim against the Commonwealth or a Commonwealth officer;
 - 9.5. any work health and safety incident which has the potential to result in substantial negative media attention/public interest and presents a significant threat to Defence, a Contractor's, and/or a Coalition Force reputation; and

- 9.6. any other work health and safety incident which requires a higher level of investigation (as determined by the relevant Group or Service).
10. A Level 3 investigation must be led by a person with formal qualifications and experience in work health and safety and root cause analysis. Some suggested formal training competencies are:
 - 10.1. PSP40416 - Certificate IV in Government Investigations (Release 1);
 - 10.2. PSP50416 - Diploma of Government Investigations (Release 1);
 - 10.3. The Campus course ID 00014315 Conducting Inquiry Officer Inquiries;
 - 10.4. Unit of competency BSBWHS515 – Lead initial response to and investigate WHS incidents or equivalent;
 - 10.5. Unit of competency BSBWHS416 – Contribute to workplace incident response or equivalent;
 - 10.6. Defence Aviation Accident Investigator; and
 - 10.7. Defence Maritime Accident Investigator.
11. The above list is a recommended baseline and Groups and Services may determine other training competencies based on individual requirements.
12. A Level 3 investigation should, where possible, take the form of an Administrative Inquiry that is appointed and conducted under the Defence (Inquiry) Regulations 1985 since this will provide the review team the best legal powers and protections.
13. As stated in paragraph 2.6(a) of the Administrative Inquires Manual, managers and supervisors need to be aware that inquires under the Defence (Inquiry) Regulations 1985 are not to make findings that a disciplinary or criminal offence has been committed by any person. This is consistent with the theme that work health and safety incident investigations do not apportion blame or determine liability but determine the root causes and contributing factors leading to the outcome.
14. Level 3 investigations must take the form of a formal process. The Investigating Officer must complete a Terms of Reference and send to the Appointed Officer to drive the process and ensure there are no biases. The reports of such reviews must be legally reviewed to ensure they contain sufficient information for the commander/supervisor or manager to understand the root causes of the work health and safety incident and the recommendations are appropriate to prevent, or so far as is reasonably practicable mitigate the risk of a recurrence.
15. The investigation results must be recorded in Sentinel following their guidelines.
16. The following guidance may assist with the process of conducting a Level 3 investigation.

Phase 1 – Refer and notify

17. The commander/manager or supervisor identifies the need to conduct a Level 3 investigation.
18. The commander/manager or supervisor contacts their Group Safety Coordinator for advice on who may conduct the investigation in accordance with individual Group and Service requirements.
19. The Group or Service must identify an appointing authority for a Level 3 investigation. It is recommended that the appointing authority is at the SES Band 1/ADF 1 star level.

Phase 2 – Initiate

20. Work Health and Safety Investigation Plan:

- 20.1. Once an appointing authority and a lead investigator have been determined, a planning phase should commence. The planning process is to result in a written investigation plan. This plan should be referred to and updated during the investigation. The planning process should include:
 - 20.1.1. the objectives of the investigation, scope and possible outcomes;
 - 20.1.2. identifying and managing risks;
 - 20.1.3. considering options to prevent recurrence;
 - 20.1.4. identifying possible lines of inquiry, sources and methods to be used to obtain relevant information and/or evidence;
 - 20.1.5. identifying available and/or required resources;
 - 20.1.6. outlining work phases, timelines and milestones; and
 - 20.1.7. establishing the structure of the investigation team including reporting lines, communication tools and identifying any need for specialist assistance from internal or external experts such as occupational hygienists or occupational physician, etc.
- 20.2. For guidance refer to SafetyMan, Work Health and Safety Incident Investigation Procedure 3 – Work Health and Safety Investigation Plan Template.

21. Letter of Appointment:

- 21.1. The Letter of Appointment applies to all work health and safety investigations and is the first step in the process for initiating an investigation. It sets out who will lead the investigation and provides a timeline for when the investigation will be completed.
- 21.2. For guidance refer to SafetyMan, Work Health and Safety Incident Investigation Procedure 4 – Letter of Appointment Template.

22. Terms of Reference:

- 22.1. The Terms of Reference outline the purpose and any limits of the investigation.
- 22.2. The Terms of Reference is developed by the lead investigator (in consultation with the appointing authority) and endorsed by the appointing authority. The Terms of Reference ensures that the lead investigator has a clear understanding of, and the authority to conduct, the investigation.
- 22.3. For guidance refer to SafetyMan, Work Health and Safety Incident Investigation Procedure 5 – Terms of Reference Template.

Phase 3 – Execute

- 23. Entry brief: the purpose of the entry brief is to meet with key stakeholders to discuss the following:
 - 23.1. introduction of lead investigator;
 - 23.2. outline the Terms of Reference;
 - 23.3. provide the Work Health and Safety Investigation Plan for discussion;
 - 23.4. expectations of the investigation;
 - 23.5. confidentiality/privacy and security;

- 23.6. any conflict of interest issues;
- 23.7. confirm contact details for primary points of contact;
- 23.8. process investigation will follow;
- 23.9. general timeframes; and
- 23.10. develop a schedule of regular update meetings.
- 24. A record of meeting must be circulated to all attendees of the meeting and all parties present are to sign the record for confidentiality.
- 25. Collect evidence:
 - 25.1. investigators should refer to the Terms of Reference as a guide to determine what evidence is required.
 - 25.2. Investigators should consider the documents or items they need to obtain, including:
 - 25.2.1. policies and procedures;
 - 25.2.2. similar incidents reported on Sentinel;
 - 25.2.3. standard operating procedures, equipment manuals, job safety analysis;
 - 25.2.4. safety data sheets;
 - 25.2.5. plant maintenance, inspection and test records;
 - 25.2.6. employee records (leave, compensation, performance reviews, training records);
 - 25.2.7. photographs;
 - 25.2.8. physical evidence;
 - 25.2.9. expert evidence – an opinion provided by a person who is an expert in a particular subject matter, usually due to qualifications or experience;
 - 25.2.10. Legislation, Codes of Practice, Australian Standards; and
 - 25.2.11. Comcare inspector reports on similar incidents.
 - 25.3. Investigators should consider where the documentation or evidence is kept, who can provide copies or access, and how long this will take. More documentation or evidence may be identified at any stage during the investigation. Any documentation or evidence collected must be retained for the periods specified in the Archives Act 1983.
- 26. Identify and interview witnesses:
 - 26.1. Investigators should consider which witnesses they want to interview in relation to the incident. Witnesses will initially be identified through any pre-existing information the investigator has available. More witnesses may be identified as the investigation progresses.

- 26.2. Consideration should be given to the number, location and availability of witnesses. Witnesses should be interviewed individually to allow for open disclosure and avoidance of group recollection and may be conducted face to face or over the phone.
- 26.3. All interviews should be recorded and a transcript provided to the witness for their signature. Refer to Web Form OC097 - Record of Conversation template.
- 27. Further information on conducting interviews is available in the guide - Good Decision-Making in Defence: A Guide for Decision-Makers and Those Who Brief Them.

Phase 4 – Analyse

- 28. Analysis is the process of taking the evidence collected and sorting through it to arrive at a hypothesis of what occurred. Analysis of evidence can be conducted in the following steps:
 - 28.1. review the Terms of Reference - it is important for investigators to ensure the evidence collected has been answered;
 - 28.2. organise the evidence;
 - 28.3. gather all relevant evidence that has been collected;
 - 28.4. sort evidence into files that belong together;
 - 28.5. decide how to analyse the evidence and document the analysis procedure;
 - 28.6. analyse quantitative (data) evidence;
 - 28.7. analyse qualitative (narrative) evidence; and
 - 28.8. integrate the evidence, put the analysed evidence together in a way that tells the complete story and answers the Terms of Reference.
- 29. Root cause analysis:
 - 29.1. Root cause analysis is the process for identifying root causes of incidents and an approach for responding to them. Root cause analysis techniques should be used by the Investigator when investigating and reporting the root cause of the work health and safety incident.
 - 29.2. The benefit of a root cause analysis is that it uncovers relationships between causes and symptoms of problems, works to solve issues at the root itself and provides tangible evidence of cause, and effect and solutions.
 - 29.3. To be effective the root cause analysis must be performed systematically and include the following steps:
 - 29.3.1. initiation, which determines the need to carry out the root cause analysis;
 - 29.3.2. problem definition, which establishes the facts of what happened, where and when;
 - 29.3.3. analysis, which uses root cause analysis tools and techniques to ascertain possibilities as to how and why the work health and safety incident occurred;
 - 29.3.4. validation, which distinguishes and resolves these casual possibilities; and
 - 29.3.5. conclusion, which presents the results of the analysis.

30. A number of root cause analysis techniques exist, with outcomes appropriate for the analysis of specific types of incidents. These range from simple to complex techniques and require suitably skilled practitioners to conduct the analysis. Investigators should refer to their Group or Service root cause analysis guidance.
31. Further general information on root cause analysis is available in the Root Cause Analysis Handbook – Defence Material Handbook (ENG 12-2-006).
32. Standard of proof:
 - 32.1. is anything that serves as evidence such as a compiled list to establish/determine the truth. It is evidence having probable weight that will give rise to how certain a decision-maker needs to be to determine the truth.
 - 32.2. In the context of decision-making in Defence, there is often discussion about the standard of proof being the 'balance of probabilities'. This legal test essentially asks decision-makers to determine what probably happened, or what is probably true (as opposed to being certain of what happened).
 - 32.3. The key question when applying these principles is whether, in all the circumstances, it would be reasonable to make the decision on the basis of the evidence available.

Phase 5 – Report

33. The purpose of a written investigation report is to:
 - 33.1. demonstrate that the investigation has followed a fair and rigorous process;
 - 33.2. identify the evidence collected and the evidence relied on to make findings;
 - 33.3. provide a record of investigation; and
 - 33.4. allow the investigation appointing authority to make a decision on the matter.
34. The investigation report should contain:
 - 34.1. details of the scope of the investigation and the incident investigated;
 - 34.2. the investigation procedure including any important issues that arose during the investigation;
 - 34.3. analysis of the evidence;
 - 34.4. findings on each Terms of Reference; and
 - 34.5. recommendations.
35. Clear and plain language is to be used in the investigation report. The investigation report should be written in a professional and straight-forward tone which leaves nothing open to ambiguity.
36. For guidance refer to SafetyMan, Work Health and Safety Incident Investigation Procedure 6 - Work Health and Safety Investigation Report Template.

Phase 6 – Review

37. The draft report must be reviewed by appropriate stakeholders prior to finalisation. Consultation may involve the following areas:
 - 37.1. Defence Legal;
 - 37.2. Subject Matter Experts, eg Occupational Physicians, Occupational Hygienists and Toxicologists, etc; and
 - 37.3. the area or workgroup around whom the investigation is centered.

38. Procedural fairness is a legal principle that should be considered at all times. Procedural fairness exists to ensure a fair decision making process, giving individuals an opportunity to know the case against them and to answer it.
39. The following are some questions that may be relevant when providing procedural fairness:
 - 39.1. will the findings and/or recommendations adversely affect an individual?
 - 39.2. how serious are any adverse consequences likely to be, for both an individual and the organisation?
 - 39.3. how urgent is the decision?
 - 39.4. what process is reasonable to follow in the circumstances?
 - 39.5. will there be a record of any findings, including on a personal record or similar?
 - 39.6. can the findings be easily adjusted if a mistake has been made?
40. Further information on procedural fairness is available in the guide - Good Decision-Making in Defence: A Guide for Decision-Makers and Those Who Brief Them.
41. The lead investigator needs to be aware of the requirements of the Privacy Act 1988 and the application of the Australian Privacy Principles when consulting with stakeholders on the draft Investigation Report. The Defence Privacy Knowledge Site provides information about the Privacy Act 1988 and the Australian Privacy Principles obligations of all Defence personnel and Defence contractors to meet the requirements of the Privacy Act 1988.

Phase 7 – Finalise

42. Sign and submit the investigation report.
43. Both the lead investigator and the appointing authority are required to sign the final investigation report. The lead investigator should ensure that they include a decision and recommendation directive/matrix as an annex which allows the appointing authority to endorse, reject or vary the findings and recommendations, and approve the release of the investigation report.
44. The investigation report should be distributed to those parties identified in the Terms of Reference.
45. All investigation records should be retained in accordance with the Defence Records Management Policy Manual.
46. Monitor recommendations through to completion.
47. All investigation recommendations are to be recorded in Sentinel and monitored through to completion.
48. Investigation exit brief: it is important to conduct an investigation exit brief with the stakeholders involved in the investigation. The exit brief discussion should include:
 - 48.1. what aspects worked well with the investigation;
 - 48.2. what aspects can be improved upon for future investigations; and
 - 48.3. how the recommendations are going to be implemented.

References and related documents

49. [Work Health and Safety Act 2011](#)
50. [Work Health and Safety Regulation 2011](#)

51. [Privacy Act 1988](#)
52. [Archives Act 1983](#)

SafetyMan

53. [Work Health and Safety Incident Investigation Policy and Guidance](#)
54. [Work Health and Safety Incident Reporting Policy and Guidance](#)

Other Resources

55. [Defence Privacy Site](#)
56. [Good Decision-Making in Defence: A Guide for Decision-Makers and Those Who Brief Them](#)
57. [Defence Records Management Policy Manual \(RECMAN\)](#)
58. [Root Cause Analysis Handbook – Defence Material Handbook \(ENG 12-2-006\)](#)
59. [Defence Administrative Inquiries Manual](#)
60. [Web Form OC097 – Record of Conversation](#)

Document Reference:	SafetyMan - Work Health and Safety Incident Investigation Procedure 01 - Levels of Investigation		
Policy Owner:	Work Health and Safety Branch		
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Objective ID:	AB36478169	Version:	1.3



Defence People Policy, SafetyMan

Work Health and Safety Incident Investigation Procedure 02 – Incident Investigation Templates

1. This procedure provides work health and safety tools, information and/or guidance relating to the SafetyMan, Work Health and Safety Incident Investigation Policy.
2. There are significant legislative requirements which are essential in work health and safety incident investigations. Investigations are used to identify the factors of an incident and prevent reoccurrences.
3. The following SafetyMan, Work Health and Safety Incident Investigation Templates will support investigations in obtaining a clear outline of the facts and actions taken/planned. This helps in contributing to an effective work health and safety culture.
 - 3.1. SafetyMan, Work Health and Safety Incident Investigation Procedure 3 - Work Health and Safety Investigation Plan Template provides a means in which to gather relevant information including but not limited to:
 - 3.1.1. summary of facts;
 - 3.1.2. the issue(s) for investigation;
 - 3.1.3. identified stakeholders; and
 - 3.1.4. milestones and timelines.
 - 3.2. SafetyMan, Work Health and Safety Incident Investigation Procedure 4 - Letter of Appointment Template. The appointment of a work health and safety investigation outlines the issue(s) which will be investigated by:
 - 3.2.1. identifying the extant Defence policies and procedures relating to the particular issue; and
 - 3.2.2. requesting assistance and support through the relevant Groups and Services.
 - 3.3. SafetyMan, Work Health and Safety Incident Investigation Procedure 5 - Terms of Reference Template documents the following information:
 - 3.3.1. purpose of the investigation;
 - 3.3.2. the appointment of investigator;
 - 3.3.3. variations in the investigation, eg timeline; and
 - 3.3.4. documentation required to be attached to the report.



- 3.4. SafetyMan, Work Health and Safety Incident Investigation Procedure 6 - Work Health and Safety Investigation Report Template provides pertinent information from the findings of the investigation in the nature of:
 - 3.4.1. references used;
 - 3.4.2. background of the issue;
 - 3.4.3. investigation methodology;
 - 3.4.4. factors considered by the investigation;
 - 3.4.5. findings; and
 - 3.4.6. recommendations.

References and related documents

4. [Work Health and Safety Act 2011](#)
5. [Work Health and Safety Regulations 2011](#)

SafetyMan

6. [WHS Incident Investigation Policy and Guidance](#)
7. [WHS Incident Investigation Procedure 01 – Levels of Investigation](#)
8. [WHS Incident Investigation Procedure 02 – Incident Investigation Templates](#)
9. [WHS Incident Investigation Procedure 03 – WHS Investigation Plan Template](#)
10. [WHS Incident Investigation Procedure 04 – Letter of Appointment Template](#)
11. [WHS Incident Investigation Procedure 05 – Terms of Reference Template](#)
12. [WHS Incident Investigation Procedure 06 – WHS Investigation Report Template](#)

Document Reference:	SafetyMan - Work Health and Safety Incident Investigation Procedure 01 – Incident Investigation Templates		
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Date Published:	17 December 2020		
Objective ID:	AB36411867	Version:	1.3



[Insert Subject/File Reference No]

References:

- A. [Enter Reference Entry A]
- B. [Enter Reference Entry B]

BACKGROUND

1. This is numbered paragraph style.

SUMMARY OF FACTS

2. Check that 'Keep track of formatting' is turned off in the edit options (refer to the guide How to turn off Keep track of formatting). This will ensure that your document only keeps the template styles.

ISSUES FOR INVESTIGATION

3. The investigation is to determine:
 - a)

Benchmarking

4. The criteria against which issues in this investigation are to be assessed are:
 - a) *Work Health and Safety Act 2011*
 - b) *Work Health and Safety Regulations 2011*
 - c)

Privilege

5. Work Health and Safety Branch is unable to offer any kind of privilege in this investigation.
6. While the privacy of all parties will be maintained at all times as required by law (*Privacy Act 1988*), this is ultimately a Work Health and Safety Investigation. Comcare, as the Regulator, retains the right to request and/or subpoena the full un-redacted investigation in relation to undertaking regulatory duties.
7. All parties will be informed of this before being asked to provide information to this Investigation, and may reserve the right not to participate in the investigation.

Jurisdiction

8. Commonwealth

Investigation Objective

9. To determine whether:
- a)

INVESTIGATION STRATEGY

Sources of evidence

10. It has been identified that the following documents may be relevant to this investigation and will be sought as a matter of urgency:

a)

11. Potential witnesses to the Investigation will be identified during the initial desktop review of documents pertaining to the investigation and will be contacted as soon as practicable.

Investigation Phases

Phase 1	Activity
Phase 2	Activity
Phase 3	Activity

ADMINISTRATION

Document Management

12. All documents in relation to this Investigation are to be kept in Objective folder (location).

13. All documentation generated as part of this Investigation e.g. this Investigation Plan, the Report, etc are to be identified with the following appropriate caveat, in accordance with the Defence Security Manual:

a)

Disclosure and Distribution

14. All data and information relating to workplace incidents and injuries must be handled in accordance with the Document Management paragraph above, and collected, stored, used and disclosed in accordance with the *Privacy Act 1988* (Cth).

15. In cases where reports are sent by facsimile, confirmation should be made that the appropriate area or person has received the report.

16. As required, a copy of the complete, un-redacted Investigation Report will be provided to the following parties:

a)

Personnel

17. (name) is appointed to undertake this Investigation as appointed by (name of Appointing Authority). The following additional personnel will be involved in the Investigation process:

a)

Stakeholders

18. The following are identified stakeholders to this Investigation:

a)

Resources and Budget

Consideration	Description	Estimated Cost
TOTAL	-	

Media/Confidentiality

19. There is to be no involvement of the media in this Investigation. Any inquiries are to be directed to the Defence Communication and Media Centre on (02) 6127 1999, who will be advised that no information is to be provided.

20. The Investigation is to be conducted in private.

Risk Assessment

Risk	Treatments

MILESTONES AND TIMELINES

Start Date

21. This investigation is to commence on (date).

Completion Date

22. This investigation is to be completed NLT (date).

Timetable

Activity	Date Expected

AUTHORISATION

23. I agree with the above Investigation Plan and hereby authorise the Investigator to conduct the investigation consistent with the phased approach described herein, and in accordance with the Terms of Reference authorised by me.

Investigator	Appointing Authority
Date	Date

Annexes

A. Investigator's Diary

ANNEX A – INVESTIGATOR’S DIARY

Date	Time	Occurrence	Comments



Australian Government
Department of Defence

Minute

[Insert File Reference]

[Insert Organisational Reference]

[Addressee Name]

[Action Addressee Group Name]

[Desk Location]

For information:

[Addressee Name]

[Information Addressee Group Name]

[Desk Location]

APPOINTMENT OF A WORK HEALTH AND SAFETY INVESTIGATION

References:

A. [Insert Reference]

B. [Insert Reference]

1. On (day month year), I appointed a work health and safety investigation into (issue). The Terms of Reference for the work health and safety investigation are enclosed. The work health and safety investigation will focus on identifying the extant Defence policies and procedures relating to the provision of a safe workplace, in particular (issue). It will also identify any issues with these policies and procedures which can be addressed to ensure Defence provides a safe workplace for all members into the future.

3. This work health and safety investigation is a fact finding investigation. It is not to investigate or make a finding that any person has committed a criminal or disciplinary offence. The work health and safety investigation will be conducted in accordance with the *Australian Government Investigation Standards 2011* and the *Good Decision –Making in Defence: A Guide for Decision-Makers and those who brief them*, as appropriate.

4. I request your assistance and support, through your (Group/Service), to allow this work health and safety investigation to be conducted in a thorough and timely manner. These investigations assist in developing our safety culture and protecting all Defence members.

5. I have directed that the investigation report be presented to me by (day, month, year). You will be advised once the investigation is complete and provided with any relevant findings and/or recommendations, subject to privacy concerns.

6. My point of contact for this matter is (Investigator name), on telephone (number) or email (name@defence.gov.au)

[Insert Signatory Name] e.g ML Jones

[Insert Rank] - Abbreviated

[Insert Appointment] - Abbreviated

[Insert Address Block]

[Insert Extension No] ; mob [Insert Mobile No] , fax [Insert Fax No]

[Insert Email Address]

[Insert date (eg. Feb 14)]

Enclosure:

1. Terms of Reference

Distribution (*Remove if Addressee block above is used*)

[Insert Distribution Group]

[Insert location]

For information (*Remove if Addressee block above is used*)

[Insert Distribution Group]

[Insert location]



TERMS OF REFERENCE – WORK HEALTH AND SAFETY INVESTIGATION

[Insert Subject/File Reference No]

References:

- A. [Enter Reference Entry A]
- B. [Enter Reference Entry B]

Statement of Purpose

- 1. This investigation has been established in order to determine (issue)

Appointment of Investigator

- 2. I, (appointing authority), appoint (investigator) to investigate (issue)
- 3. You are to investigate:
 - a) (issue)
- 4. The work health and safety investigation report must specifically address:
 - a) (issue)

Context management issues

- 5. In undertaking this investigation you are to address:
 - a) (issue)

Conduct of the investigation

- 6. In undertaking this investigation, you are to comply, as appropriate, with the *Australian Government Investigation Standards 2011* and *Good Decision-Making in Defence: A Guide for Decision-Makers and those who brief them*.
- 7. All individuals involved in the investigation are to be informed of their rights and responsibilities in relation to the investigation, provided a copy of the instrument of appointment and relevant terms of reference, and a privacy notice.

Criminal or Disciplinary Investigation

- 8. You are neither to conduct a criminal or disciplinary investigation nor to conclude that an offence has or has not been committed by any person. Where it appears that a criminal or

disciplinary offence may have been committed, the investigation into that aspect of the matter is to cease and the circumstances reported immediately to me, in writing, to determine the future course of the investigation.

Variation

9. If, during your investigation, it becomes apparent that a line of investigation should be commenced which falls outside the confines of these terms of reference you are to advise me in writing requesting variation of these terms of reference with reasons for the request.

Recommendations (NB consider carefully whether you want recommendations or merely fact finding upon which to base your own decisions before including)

10. You are to make recommendations, among other things, upon the following:

- a) (issue)

Documentation

11. The following are to be attached to your report:

- a) copies of all records of conversation/transcripts;
- b) documents identified as relevant;
- c) extracts from all relevant publications;
- d) any legal advice which has been obtained in writing, with a 'PROTECTED:LEGAL' marking;
- e) these terms of reference;
- f) all written communication between the appointing authority and the investigator.

Report

12. I direct that the investigation report be submitted to me by no later than (day month year). If the investigation is not completed by that date an interim report setting out the reason for any delay and requesting an extension is to be submitted on that date. In the event that an extension is granted you are to provide me with progress reports every seven days on the reasons for any further delay until the investigation is complete.

(signature)

(name)

APPOINTING AUTHORITY

DATE



INVESTIGATION REPORT

TITLE OF INVESTIGATION

[Insert Subject/File Reference No]

References:

- A. *Work Health and Safety Act 2011*
- B. *Work Health and Safety Regulations 2011*
- C. *Australian Government Investigation Standards 2011*
- D. [Enter Reference Entry B]

INTRODUCTION

1. On (day month year), (appointing authority name) appointed a work health and safety investigation into (issue).

BACKGROUND

2. Brief background of issue.

INVESTIGATION METHODOLOGY

Letter of Appointment and Terms of Reference

3. My appointment and Terms of Reference are at Annex X.

Impartiality and Independence

4. The investigation was conducted with impartiality and independence at all times.

Scoping and Planning

5. Scoping and planning were conducted at the commencement of and during the investigation. The Investigation Plan was reviewed by the Appointing Authority. The Work Health and Safety Investigation Plan (including the Investigator's Diary) are at Annex X.

Procedure

6. The Investigation followed as closely as practicable to the procedural guidance contained in the *Australian Government Investigations Standards 2011*, and *Good Decision-Making in Defence: A Guide for Decision-Makers and those who brief them*.
7. All information relevant to the Investigation that was practicable to obtain has been obtained and considered in the preparation of the Investigation Report.

Parties interviewed

8. All interviews were conducted in accordance with the requirements of the Australian Government Information Service. Prior to the conduct of any interviews; permission was sought for a summary Record of Conversation to be prepared and presented to the interviewed party for checking and to verify their accuracy as a true and correct reflection of the conversation.

Procedural Fairness

9. Was procedural fairness required? If so, provide details here. Refer to Chapter 4 of [Good Decision-Making in Defence: A Guide for Decision Makers and those who brief them](#) for further information on procedural fairness.

Documentary Review

10. All Legislation, Policies and Procedures identified as applicable to this Investigation are listed below:

a)

Chronology of this Investigation

11. (day month year) – appointing authority appoints a Work Health and Safety Investigation into (issue).

FACTORS CONSIDERED BY THE INVESTIGATION (in accordance with the Terms of Reference)

Factor 1

Legislative Requirements

Work Health and Safety Act 2011 Section	
Work Health and Safety Regulation 2011	

Analysis of Evidence

12.

Findings

13.

Recommendations

14.

Factor 2

Legislative Requirements

Work Health and Safety Act 2011 Section	
Work Health and Safety Regulation 2011	

Analysis of Evidence

15.

Findings

16.

Recommendations

17.

CONCLUSIONS

18. The evidence reviewed indicates that:

a)

FINDINGS

19. A summary of the findings is:

a) F1 -

b) F2 -

RECOMMENDATIONS

20. A summary of the recommendations is:

a) R1 -

b) R2 -

Name
Investigator
(Location)
(Phone number)
(Email address)
(day month year)

ENDORSEMENT

I endorse the implementation of the recommendations and approve the release of this report.

.....

Name

Appointing Authority

Day Month Year

Annexes

- A. Appointment of a Work Health and Safety Investigation and Terms of Reference
- B. Statements of Impartiality and Independence
- C. Work Health and Safety Investigation Plan
- D. Other annexes – as required



Defence People Policy, SafetyMan

Work Health and Safety Assurance Policy

Policy statement

1. Defence measures the effectiveness of work health and safety (WHS) controls to ensure the health and safety of its workers and others.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy - core elements

4. The definition of assurance is contained in the SafetyMan, Glossary of Work Health and Safety Terms.
5. This policy forms part of the broader WHS assurance framework: refer to the Defence Enterprise Work Health and Safety Assurance Framework (WHS Assurance Framework); including the responsibilities and reporting associated with providing enterprise-level safety assurance.
6. Defence will undertake assurance activities to ensure conformance with its management system and legal compliance with the Work Health and Safety Act 2011 and Work Health and Safety Regulations 2011.
7. In accordance with the Defence Work Health and Safety Officer Due Diligence Framework 2018 – specifically sub-subparagraphs 11(d)(i-ii) – Defence WHS Branch will assess the effectiveness of assurance activities on a regular basis by using a range of information sources:
 - 7.1. Work Health and Safety Information Management System;
 - 7.2. Groups and Services internal safety reporting and assurance results; and
 - 7.3. Other relevant information on safety performance that may be required.
8. To report on the effectiveness of assurance activities, the evaluation criteria will be underpinned by the Officer Due Diligence Framework.
9. Defence will use the results to:
 - 9.1. protect the health and safety of workers and others;
 - 9.2. report performance to officers, through senior Defence committees, to enable an understanding and address systemic issues and risks; and
 - 9.3. continuously improve Defence WHS assurance activities.

Roles and responsibilities

10. The Assistant Secretary Work Health and Safety (AS WHS) is responsible for:
 - 10.1. developing, implementing and maintaining the WHS Assurance Framework; in consultation with Groups and Services;



- 10.2. reporting assurance results to officers via Defence senior committees; and
- 10.3. providing recommendations for improvement at the enterprise level.
- 11. Group Heads and Service Chiefs (designated officers) are responsible for:
 - 11.1. ensuring assurance activities are undertaken that assure control measures required under legislation and Defence policy are in place to protect the health and safety of their workers;
 - 11.2. the provision of resources enabling implementation of appropriate assurance activities;
 - 11.3. proactive and timely response to issues identified through assurance activities;
 - 11.4. requesting and scrutinising reports for trends and potential opportunities for improvement; and
 - 11.5. providing the AS WHS with information, as requested, to enable the review of safety assurance activities in accordance with the WHS Assurance Framework.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

SafetyMan, [17–element WHS Management System](#)

SafetyMan, Defence Work Health and Safety Officer Due Diligence Framework 2018 twistie, via [Due Diligence Policy](#) page

SafetyMan, [Work Health and Safety Risk Management Policy](#)

SafetyMan, [Work Health and Safety Roles, Responsibilities and Accountabilities Policy](#)

Defence Enterprise Work Health and Safety Assurance Framework via Assurance twistie on [WHS Assurance](#) page

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