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.


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.

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, Section19 (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*. 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**


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 year:

(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.

### 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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Hazardous chemical</td>
<td>Type of health monitoring</td>
</tr>
</tbody>
</table>
| 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 |
<table>
<thead>
<tr>
<th></th>
<th>Substance</th>
<th>Health History and Examination Measures</th>
</tr>
</thead>
</table>
| 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 |
### Table 14.2 Lead requiring health monitoring

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Lead</td>
<td>Type of health monitoring</td>
</tr>
<tr>
<td>1</td>
<td>Lead (inorganic)</td>
<td>Demographic, medical and occupational history</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Physical examination</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Biological monitoring</td>
</tr>
</tbody>
</table>
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.

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

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.
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.
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:

18. objective, scope and duration of each audit and the number of audits to be conducted, including audit follow ups;

19. number, importance, complexity, similarity and locations of the activities to be audited;

20. previous work health and safety non-compliances from first or second party audits or contracted audit results and time since the last audit activity;

21. areas of Regulator interest;

22. Group and Service work health and safety risk profiles; and

23. 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

24. 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

25. To ensure consistency and effective reporting to Defence Senior Committees, auditors are required to use the Sentinel audit process and checklists.

26. 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.

27. 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

28. 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

29. Work Health and Safety Act 2011
30. Work Health and Safety Regulations 2011
31. Defence Work Health and Safety
32. Committee approved Audit Plan
33. Audit and Performance Improvement Standard Operating Procedure - Conducting an Audit
34. Safety Management System and Compliance Audit Checklists and guidance material listed within the Sentinel software application

35. Australian/New Zealand Standards/International Standards Organisation


37. AS/NZS ISO 19011:2014 Guidelines for auditing management systems requirements


39. Australian Standards

40. AS 3806:2006 Compliance Programs

41. AS 8000:2003 Good Governance Principles

42. Safe Work Australia: National Compliance and Enforcement Policy (2011)
Base Work Health and Safety Management System Accountabilities

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

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 Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance

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

Scope
2. This policy applies to all Defence workers as defined in Section 7 of the Work Health and Safety Act 2011 (WHS Act).
3. Under the WHS Act (application to Defence activities and Defence members) Declaration 2012 (the Declaration), ADF members can be members of a work group, however are excluded from the application of sections in this policy relating to the creation and management of work groups and the election of health and safety representatives (HSRs).
4. The application of this policy to contractors and sub-contractors 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 Section 16 of the WHS Act.
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 work health and safety 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 work health and safety throughout Defence.

Roles and responsibilities
7. In addition to individual roles and responsibilities outlined in the SafetyMan – Work Health and Safety Roles, Responsibilities and Accountabilities Policy, the following are additional responsibilities in relation to work health and safety 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 work health and safety practices to achieve a safe work environment. For further information, refer to Section 3 of the WHS Act.


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 work health and safety in their workplace. This responsibility extends to workers in roles that manage safety considerations.

Work health and safety 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 work health and safety matter are consulted in line with Section 46 to 49 of the WHS Act.

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 work health and safety 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 the Regulator. For further information, refer to SafetyMan – WHS Event (Incident) Reporting Policy and Guidance.

Work health and safety 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 in accordance with section 51 to 54 of the WHS Act. For further information, refer to SafetyMan – Defence Work Health and Safety Management and Consultative Arrangements Procedure 01 – Work Health and Safety 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 the workers on work health and safety issues. For further information, refer to SafetyMan – Defence Work Health and Safety 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 from Section 60 to 61 of the WHS Act:
   17.1. they are a member of the work group;
   17.2. they have not been disqualified under section 65 of the WHS Act from becoming a HSR; 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) five day training course within three 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 – Defence Work Health and Safety 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 in line with Section 75 of the WHS Act for its workers within two 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.


**Issue resolution**

22. Formal issue resolution processes, including escalation through formal consultative processes, are to be followed if work health and safety issues cannot be adequately resolved in the workplace. For further information, refer to *SafetyMan – Defence Work Health and Safety Management and Consultative Arrangements Procedure 06 – Work Health and Safety Issue Resolution.*

**Right to cease unsafe work or direct the cessation of 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 – Defence Work Health and Safety Management and Consultative Arrangements Procedure 07 – Right to cease unsafe work or to direct the cessation of unsafe work and the requirements of Section 83 to 89 of the WHS Act.*
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)** – a person elected pursuant to the *Work Health and Safety Act 2011, Part 5, Consultation, representation and participation, Division 3, Subdivision 4 – Election of health and safety representatives*.

26. **Inspector** – a person appointed by the Regulator 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)** – the Crown is the person conducting a business or undertaking, and Defence is the responsible agency that discharges the obligations of the person conducting a business or undertaking.

29. **Officer of the person conducting a business or undertaking (PCBU)** - the Chief of the Defence Force, the Associate Secretary, Vice Chief of the Defence Force and all Group Heads and Service Chiefs are officers of the person conducting a business or undertaking.

30. **Regulator** – for the purpose of this policy means 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, either as:

   31.1. An ADF member;
   31.2. An APS employee;
   31.3. A contractor or a sub-contractor;
   31.4. An employee of a contractor or sub-contractor;
   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

34. *Work Health and Safety Act 2011*
35. *Work Health and Safety Regulations 2011*
37. **Defence Enterprise Agreement 2017-2020**
   Safetyman:


40. **Defence Work Health and Safety Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions**

41. **Defence Work Health and Safety Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training**

42. **Defence Work Health and Safety Management and Consultative Arrangements Procedure 05 – Health and Safety Committees**


44. **Defence Work Health and Safety Management and Consultative Arrangements Procedure 07 – Right to Cease Unsafe Work or to Direct the Cessation of Unsafe Work**

45. **Work Health and Safety Event (Incident) Reporting Policy and Guidance**

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Defence Work Health and Safety 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 – Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) 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 Section 57 of the Work Health and Safety Act 2011 (WHS Act).

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 section 51 to 56 of the WHS Act.
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 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 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 line with Section 56 of the WHS Act.

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.

References and related documents


15. Work Health and Safety Regulations 2011
   SafetyMan:
16. Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance
18. Defence Work Health and Safety Management Consultative Arrangements Procedure 03 – Health and Safety Representative Functions
22. Defence Work Health and Safety Management and Consultative Arrangements Procedure 07 – Right to Cease Unsafe Work or to Direct the Cessation of Unsafe Work
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Defence Work Health and Safety 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 – Defence Work Health and Safety Management and Consultative Arrangement Policy (Including Health and Safety Representative Arrangements) 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 Section 65 of the Work Health and Safety Act 2011 (WHS ACT) 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 in line with Section 61 of the WHS Act. 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:
Procedure 02 – Health and Safety Representative Elections

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 Section 65 of the WHS Act 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 Regulation 20 of the Work Health and Safety Regulations 2011.

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. 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 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

15. Work Health and Safety Act 2011

16. Work Health and Safety Regulations 2011
SafetyMan:

17. Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance


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Defence Work Health and Safety Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions

Introduction

1. This procedure provides general and specific information on the functions of health and safety representatives (HSRs). This procedure relates to SafetyMan – Defence Work Health and Safety Management and Consultative Arrangement Policy (Including Health and Safety Representative Arrangements) and Guidance.

Scope

2. This procedure details the powers and functions of HSRs within Defence under the Work Health and Safety Act 2011 (WHS Act).

Powers and functions of the HSR

3. HSRs have specific powers and functions for their work group. In exercising their powers and functions, HSRs are also expected to follow Defence’s established processes, including working collaboratively with Head Resident Units. For further information refer to the Joint Framework for Base Accountabilities – Strategic Intent Statement. The specific powers and functions are:

   3.1. represent the workers in the work group on work health and safety (WHS) matters;
   3.2. 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;
   3.3. investigate complaints made by the members of the work group relating to WHS issues; and
   3.4. 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.

4. More detailed information about powers and functions are contained in Section 68 and 69 of the WHS Act.

5. A HSR who has completed Comcare accredited HSR training as per SafetyMan – Defence Work Health and Safety Management and Consultative Arrangements Procedure – 04 Health and Safety Representative Training has the power to direct unsafe work to cease in certain circumstances under Section 85 of the WHS Act.

6. A HSR who has completed Comcare accredited HSR training can issue Provisional Improvement Notices (PIN) under Section 90 of the WHS Act.

Exercising powers and performing functions as a HSR

7. The HSR may exercise or perform the functions below in relation to their role:

   7.1. inspect any part of the workplace in which a worker in their work groups works under the conditions set down in section 68(2) of the WHS Act;
   7.2. request the establishment of a health and safety committee;
   7.3. receive information concerning WHS issues of workers in their work group;
7.4. accompany an inspector during the inspection of the workplace;
7.5. be present, with consent of a work group member, at a WHS-related interview held between a worker, an inspector and Defence;
7.6. be present, with the consent of one or more workers in the work group, at a meeting between an inspector and Defence; and
7.7. whenever necessary, request the assistance of any person.

Immunity of HSRs
8. HSRs have immunity in that they are not personally liable for anything done or omitted in good faith, when exercising power or performing a function under the WHS Act. The HSR will not be personally liable either, when the thing done, or the thing omitted, was done as part of their functions under the WHS Act.
9. Exceptions for a three year term could occur when a HSR:
   9.1. resigns from the position by providing written notice to Defence;
   9.2. ceases to be a worker in the work group of which they were elected to represent;
   9.3. is disqualified under section 65 of the of the WHS Act; or
   9.4. is removed from the position majority of the members in the work group in accordance with the Work Health and Safety Regulations 2011.

Medical information
10. Defence must not allow a HSR to have access to any personal information concerning a worker in a work group without a worker’s consent. Defence may provide information only when it has been changed in a form to de-identify the worker, and the information could reasonably be expected not to lead to the identification of the worker.

References and related documents
12. Work Health and Safety Regulations 2011
13. Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance
20. Joint Framework for Base Accountabilities – Strategic Intent Statement
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Defence People Policy, SafetyMan

Defence Work Health and Safety 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 – Defence Work Health and Safety Management and Consultative Arrangement Policy (Including Health and Safety Representative Arrangements) 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’s HSR training recommendations and management’s 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 – 90 of the WHS Act.

8. If a HSR, trained in the initial five-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 one-day refresher course from 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:
## Procedure 04 – Health and Safety Representative Training

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<td>P114507</td>
</tr>
<tr>
<td>HSR one day annual refresher course</td>
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<td>P114508</td>
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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: whs.training@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


17. [Work Health and Safety Regulations 2011](#)

18. [Comcare Approved HSR Training Courses and Providers](#)

19. [Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance](#)

22. Defence Work Health and Safety Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions

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Defence Work Health and Safety 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 – Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) 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 Section 76 of the WHS Act. 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

15. Work Health and Safety Regulations 2011
16. Comcare’s guide – Participating in Effective Health and Safety Committees
    SafetyMan:
17. Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance
20. Defence Work Health and Safety Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions

23. [Defence Work Health and Safety Management and Consultative Arrangements Procedure 07 – Right to Cease Unsafe Work or Direct the Cessation of Unsafe Work](#)

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Defence People Policy, SafetyMan


Introduction
1. This procedure provides general and specific information on work health and safety issue resolution and relates to SafetyMan – Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance.

Scope
2. This procedure details the process for work health and safety issue resolution under the Work Health and Safety Act 2011 (WHS Act).

Issue resolution
3. It is Defence’s expectation that issues and complaints be resolved at the lowest possible level within the Group or Service’s chain of command. When approached by a member of their work group to assist in resolving an issue, a health and safety representative (HSR) should ensure the chain of command has been followed as far as possible. Where an issue is unable to be resolved by the work group member independently, the HSR is encouraged to also pursue that chain of command in the first instance.

4. The issue resolution process applies to work health and safety issues if the matter has not been resolved after discussion between the involved parties. Throughout the issue resolution process, HSRs are also expected to follow Defence’s established processes, such as those outlined through the Incident Reporting Hub.

5. 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(s);
   5.3. the HSR for the affected work group; or
   5.4. the worker/s, or their representative, where there is no work group.

6. The issue resolution process begins when a party informs any other involved party of an issue that needs to be resolved, including the scope and nature of the issue.

7. Once advised, all parties must meet, or communicate, and attempt to resolve the issue. Discussions must have regard to:
   7.1. 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);
   7.2. the number and location of workers and other persons affected by the issue;
   7.3. temporary and permanent measures that must be implemented to resolve the issue; and
   7.4. who will be responsible for implementing the resolution measures.
8. Group Heads and Service Chiefs must ensure representation by an appropriate level of seniority, sufficient competency and/or authority to resolve the issue.

9. When the issue has been resolved, the parties must record details of the issue and its resolution in a written agreement. Copies must be provided to all parties to the issue and to the health and safety committee if requested.

10. All parties must be satisfied that the written agreement reflects the resolution of the issue. The written agreement should be signed by all involved parties and include representatives of all involved parties.

11. If an issue has not been resolved after reasonable efforts have been made, a party to the issue may escalate the matter to People Group Work Health and Safety Branch in the first instance for advice.

12. If an issue is unable to be resolved after reasonable efforts have been made in this regard, a party to the issue may ask the Regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

13. A request to Comcare does not prevent:
   13.1. a worker from exercising the right under the WHS Act to cease work; and
   13.2. a trained HSR from issuing a Provisional Improvement Notice (PIN) or a direction under the WHS Act to cease work.

14. On attending a workplace, an inspector may exercise any of the inspector’s compliance powers under the WHS Act in relation to the workplace.

15. To avoid doubt, nothing in this procedure prevents a worker from bringing a work health and safety issue to the attention of the worker’s HSR.

References and related documents

17. Work Health and Safety Regulations 2011
   SafetyMan:
18. Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance
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Defence Work Health and Safety Management and Consultative Arrangements Procedure 07 – Right to Cease Unsafe Work or to Direct the Cessation of 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 - Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance.

Scope
2. This procedure applies to all Defence workers, as defined in Section 7 of the Work Health and Safety Act 2011 (WHS Act).
3. Through a declaration made by the Chief of the Defence Force under the WHS Act, Division 4, 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 Defence Work Health and Safety Management and Consultative Arrangements Procedure 04 – Health and Safety Representative Training for more information; 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 - Defence Work Health and Safety Management and Consultative Arrangements Procedure 06 – Work Health and Safety 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 in alignment with paragraph 8.4 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 in alignment with paragraph 8.4, 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

14. Work Health and Safety Regulations 2011
15. Defence Work Health and Safety Management and Consultative Arrangements Policy (Including Health and Safety Representative Arrangements) and Guidance
18. Defence Work Health and Safety Management and Consultative Arrangements Procedure 03 – Health and Safety Representative Functions
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Defence Work Health And Safety Policy

Policy statement
1. \textit{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 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 is only enforceable when workers are undertaking activities for or on behalf of Defence.
5. \textit{Defence Instruction – Administrative Policy} provides the authority for \textit{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 \textit{SafetyMan} policies.
8. Any Group or Service, which considers that the nature of its workplace does not allow compliance with either the \textit{Work Health and Safety Act 2011} or \textit{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 \textit{SafetyMan} may constitute a breach of the \textit{Work Health and Safety Act 2011} or \textit{Work Health and Safety Regulations 2011} and lead to prosecution of individuals and/or the Department of Defence.

References and related documents
11. \textit{Work Health and Safety Regulations 2011}
12. Comcare
13. \textit{Australian Radiation Protection and Nuclear Safety Agency}
14. Defence Work Health and Safety intranet site
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Due Diligence Policy And Guidance

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:
   - personnel;
   - business activities;
   - procurement of goods and services;
   - mechanisms for vertical and horizontal consultation; and
   - 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

   - Section 27 – Duty of officers
   - Section 47- Duty to consult workers
   - Section 247 - Officers

10. SafetyMan – Work Health and Safety Roles, Responsibilities and Accountabilities Policy

11. Comcare publication – Guidance for Officers Exercising Due Diligence


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

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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 (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. 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;
Due Diligence Policy and Guidance

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

The Defence Officer Framework under the Work Health and Safety Act 2011

The Department of Defence (includes the Australian Defence Force and non-Service Group)

Public Authorities and the Australian Signals Directorate

Secretary

Chief of Defence Force

Vice Chief of Defence Force

Chief of Navy

Chief of Army

Chief of Air Force

Chief of Joint Operations

Chief of Joint Capabilities

Chief Financial Officer

Chief Information Officer

Deputy Secretary Defence People

Deputy Secretary Estate & Infrastructure

Deputy Secretary Capability Acquisition and Sustainment

Deputy Secretary Strategic Policy & Intelligence

Deputy Secretary Strategic Policy & Intelligence
Emergency Preparedness and Management Policy and Guidance

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

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

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First Aid Policy And Guidance

Policy statement
1. Defence will provide first aid assistance to any person suffering from an injury or illness that occurs in a Defence workplace. Defence will establish and maintain first aid resources available to Defence workers and within Defence work environments.

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. *Defence Health Manual Volume 1, Part 4, Chapter 1 – Provision of Health Care to Defence Members* provides the authority for Defence health professionals to provide primary health care to ADF members.
5. First aid resources and facilities required at Defence sites are based on a risk management approach. This approach should be applied to identify any additional first aid provision for high risk work activities and/or high risk work sites and should be used to identify hazards, severity and likelihood of injuries and illness.
6. First aid is to be administered by ADF members, APS employees, ADF cadet personnel and contractors who hold a nationally accredited current first aid competency and up-to-date Cardio Pulmonary Resuscitation/Automated External Defibrillator competencies.
7. First aid officers are appointed by Defence to cover a defined work area.
8. Defence must ensure:
   8.1. that an adequate number of workers are trained to administer first aid, and workers have access to a first aider;
   8.2. the provision of first aid equipment (eg first aid kits and other medical devices) for all workplaces, and that each worker has access to this equipment; and
   8.3. access to facilities (eg first aid rooms or other medical facilities) for the administration of first aid.
Roles and responsibilities

9. Group Heads and Service Chiefs as officers of the Person Conducting a Business or Undertaking are responsible for allocating resources to effectively manage the access or provision of first aid for Defence workers.

10. Commanders/managers and supervisors must take all practicable steps to protect the health and safety of workers. They have a responsibility to:

10.1. understand how accessibility to first aid affects their workers and the work being performed;
10.2. consult with workers to identify, assess and control first aid access;
10.3. provide all workers with appropriate information, education, training, instruction and supervision;
10.4. review, report and record first aid policy and systems;
10.5. define the boundaries of their workplace, and initiate a workplace first aid risk assessment to determine the level of first aid resources required;
10.6. implement and manage first aid resources, including first aid kits and first aid rooms;
10.7. ensure recognised training, refresher training and any additional training for first aiders performing additional or more complex responsibilities is conducted in accordance with the Code of Practice - First Aid in the Workplace; and
10.8. review first aid arrangements and reporting.

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 of any perceived risk that could increase exposure to injury or illness;
11.4. monitor themselves and their fellow workers, and take action when they observe elevated risks to themselves or others;
11.5. report events 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. notify the first aider and their immediate supervisor before using any first aid room; and
11.8. attend relevant training or information sessions concerning first aid procedures or familiarisation.

12. All appointed APS first aiders must be willing to be vaccinated against the Hepatitis B virus (as soon as practicable), and have post-serological testing to ensure full immunity.
First aid allowance

13. APS first aiders who have been appointed to provide a specific first aid service, and are providing that service and hold a current first aid certificate, are eligible to receive the first aid certificate allowance.

14. Further information regarding payment can be sourced from the Defence Enterprise Collective Agreement and the Defence Workplace Relations Manual or by calling the Defence Service Centre on 1800 333 362.

First aid signs

15. First aid signs throughout the work environment should be well recognised and constructed to suit individual requirements and should comply with Australian Standard 1319: 1994 – Safety Signs for the Occupational Environment.

First aid kits

16. All workers will have access to trained first aiders and first aid provisions in accordance with work health and safety legislation and Code of Practice – First Aid in the Workplace.

17. Defence requires that all first aid kits have contents, as a minimum standard, that meet those detailed in the Code of Practice – First Aid in the Workplace.

18. Contents for first aid kits should be single use and disposable to avoid the risk of a transfer of a serious communicable disease (such as Hepatitis or Human Immunodeficiency Virus) to the first aider or any other person.

19. In accordance with accepted best practice it is Defence’s policy not to stock medication of any kind in first aid kits. This includes pain relief, analgesics and anti-inflammatory, EpiPens, Insulin and asthma medications.

20. Examples of content requirements for first aid kits are provided in the Code of Practice – First Aid in the Workplace. It does not exclude the addition of other first aid items as deemed necessary for high risk workplaces or where other specific hazards may exist that will be identified in the work area.

21. Restocking and monitoring of first aid kits should be undertaken regularly (after each use or at least once every 12 months) to ensure the kit contains a complete set of required items, within their expiry dates and which are in good working order.

22. Deployable first aid kits are those supplied to individual ADF members or utilised by other medical assistants who are available in the field. The deployable first aid kits may differ to the content requirements as described in this procedure.

23. This procedure does not take into account ADF operational scenarios, where medical treatment is available.

Automated external defibrillators

24. Providing automated external defibrillators can reduce the risk of fatality from cardiac arrest. It is a useful addition for workplaces where there is a risk of electrocution or where there are large numbers of members of the public.

25. Automated external defibrillators are designed to be used by trained or untrained persons. They should be located in an area that is clearly visible, accessible and not exposed to extreme temperatures. They should be clearly signed and maintained according to the manufacturer’s specifications.
Minimum requirements for first aid rooms

<table>
<thead>
<tr>
<th>Items required for first aid rooms</th>
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<tbody>
<tr>
<td>• First aid kit, appropriate for the workplace;</td>
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<tr>
<td><strong>Note:</strong> In some locations, first aid rooms are shared by Groups and Services. It might 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.</td>
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<tr>
<td>• sink or wash basin with hot and cold running water;</td>
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<td>• approved hand washing cleanser in a pump pack dispenser, and disposable paper towels;</td>
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<td>• examination lounge or bed with waterproof surface and disposable sheets;</td>
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<tr>
<td>• examination lamp with magnifier (for assessment/close procedures);</td>
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<tr>
<td>• work bench or dressing trolley;</td>
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<tr>
<td>• lockable storage cabinet (for first aid supplies, eg dressings, utensils and linen);</td>
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<tr>
<td>• blankets, disposable sheets, pillows and disposable pillow cases;</td>
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<tr>
<td>• container with disposable lining for contaminated waste;</td>
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<tr>
<td>• container for the safe disposal of sharps;</td>
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<td>• rubbish bin for non-contaminated/general waste;</td>
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<tr>
<td>• bowl or bucket (minimum 2 litre capacity);</td>
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<td>• electric power points;</td>
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<tr>
<td>• table or desk with chair;</td>
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<tr>
<td>• telephone and/or emergency communication system;</td>
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<tr>
<td>• names and contact details of first aiders for that workplace and emergency organisations (ie ambulance and emergency control organisation if required);</td>
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<tr>
<td>• portable stretcher; and</td>
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<tr>
<td>• local first aid treatment register / work injury and illness register.</td>
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<tr>
<th>Other recommended items for first aid rooms</th>
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<tbody>
<tr>
<td>• Resuscitation mask;</td>
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<tr>
<td>• surgical face mask; and</td>
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<td>• face goggles.</td>
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<tr>
<td><strong>Note:</strong> A workplace first aid risk assessment will determine if additional first aid items/equipment for a particular workplace is required.</td>
</tr>
</tbody>
</table>

**Calling an ambulance if necessary**

26. The cost of the ambulance is covered by the Group or Service where the incident has occurred.

27. 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, the first aider determines that an ambulance should be called, even if the patient does not agree, then an ambulance should be called.
28. This decision should be based purely on the seriousness of the illness/injury.

References and related documents

29. Work Health and Safety Act 2011
30. Work Health and Safety Regulations 2011
31. Code of Practice - First Aid in the Workplace
32. Code of Practice - Managing the Work Environment and Facilities
33. Web Form AD 540 – Performance Agreement – Employees
34. Defence Enterprise Collective Agreement (First Aid Certificate Allowance)
35. APS People Policy (previously Defence Workplace Relations Manual) (First Aid Certificate Allowance)
37. Defence Health Manual – Volume 1, Part 4, Chapter 1 – Provision of Health Care to Defence Members
38. WHS event online reporting and analysis tool - Sentinel
39. Australian Standards:
   39.1. AS 1319 - Safety signs for the occupational environment
   39.2. AS 4031 – Non-reusable containers for the collection of sharp medical items used in health care areas
   39.3. AS/NZS 4261 - Reusable containers for the collection of sharp items used in human and animal medical applications
   39.4. AS/NZS 4146 - Laundry practice
   39.5. AS 2675 - Portable first aid kits for use by consumers

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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
Defence Work Health and Safety Management System Framework

<table>
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<tr>
<th>Leadership</th>
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Related Defence WHS Policy

8. 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

9. 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

11. *Work Health and Safety Regulations 2011*
12. *Model Codes of Practice, Safe Work Australia*
<table>
<thead>
<tr>
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<th>Introduction to Work Health and Safety in Defence</th>
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ANNEX A

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
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<th>ELEMENT</th>
<th>Leadership and Culture</th>
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<th>Consultation, Communication and Issue Resolution</th>
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<th>Education, Awareness and Skilling</th>
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<tr>
<td>Intent</td>
<td>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.</td>
<td>Performance management aims to define and articulate high-levels of WHS performance.</td>
<td>Consultation and communication facilitate resolution of WHS issues and the pro-active identification of improvement opportunities.</td>
<td>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 of care obligations under the WHS Act. Defence will verify the provision and use of these resources and processes that have been applied to WHS.</td>
<td>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.</td>
<td>Education, awareness and skillling ensures Defence workers are skilled, aware and knowledgeable in the management of WHS as relevant to their role.</td>
</tr>
<tr>
<td>Level 5 Leading</td>
<td>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.</td>
<td>Decision-makers have the WHS information and insights they need to be WHS leaders.</td>
<td>Defence workers are highly WHS proficient, aware, mindful and committed.</td>
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<tr>
<td>Level 4 Learning</td>
<td>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 WSHs performance, with underpinning assurance mechanisms enabling consistency, integration and collaboration.</td>
<td>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.</td>
<td>WHS education, awareness and skillling is innovative, integrated, timely, interesting, relevant and well received.</td>
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<tr>
<td>Level 3 Proactive</td>
<td>Leaders seek improvement beyond their span of control 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.</td>
<td>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.</td>
<td>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.</td>
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<tr>
<td>Level 2 Managed</td>
<td>Leaders accept responsibility for the health, safety and well being 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 compliance legislative requirements. WHS systems are a collection of policies and arrangements that focus on achievement of compliance.</td>
<td>Reporting, data storage and tracking occurs in alignment with WHS regulatory requirements.</td>
<td>WHS training, induction and awareness is delivered to meet compliance requirements.</td>
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</tr>
<tr>
<td>Level 1 Reactive</td>
<td>Leaders recognise WHS is important, however inconsistent approaches and execution prevent improvement. Personal values, beliefs 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.</td>
<td>Inconsistent roles and practices. Initial policies define the WHS system and accountabilities.</td>
<td>Information is isolated and incomplete. A culture of non-reporting and reaction reduces the usefulness of data obtained.</td>
<td>Competences and proclivities to meet compliance requirements are defined but not fully implemented or relevant to the nature of Defence business.</td>
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<tr>
<td>Intent</td>
<td>Occupational health needs to facilitate the optimal physical and mental health of workers.</td>
<td>Defence business owners will maintain a clear understanding of the business or undertaking of the hazards and risks. Risk management involves the assessment of WSH risks and the proactive elimination or minimisation of these risks.</td>
<td>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.</td>
<td>Defence platforms, infrastructure, plant and equipment ensure workers’ health and safety.</td>
<td>Contractors and suppliers operate to consistently high WSH standards and are in sync with Defence.</td>
<td>In the event of an emergency, Defence is ready to respond quickly and effectively to protect its people and, through them, its capability.</td>
</tr>
<tr>
<td>Level 5 Leading</td>
<td>WHS is leading practice, externally focused and fundamentally to Defence capability and success. Defence culture is characterised as mindful.</td>
<td>Occupational health practices positively influence workers’ wellbeing and the health of their families and the community as a whole.</td>
<td>Hazard identification and risk management processes are leading practice, operating with a high level of mindfulness.</td>
<td>Defence workplaces are safe, healthy and provide for the welfare of workers.</td>
<td>WSH is a capability optimiser.</td>
<td>Defence contractors and suppliers contribute to capability and operate at leading practice levels.</td>
</tr>
<tr>
<td>Level 4 Learning</td>
<td>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.</td>
<td>Occupational health capability is fully deployable, integrated and holistic in approach.</td>
<td>Hazard identification and risk management processes are leading practice, operating with a high level of mindfulness.</td>
<td>Defence workplaces are safe, healthy and provide for the welfare of workers.</td>
<td>WSH is a capability enhancer.</td>
<td>Defence contractors and suppliers enable mutual improvement of WSH performance.</td>
</tr>
<tr>
<td>Level 3 Proactive</td>
<td>Alignment, closed-loop improvement and linkages across Defence established, with associated emphasis on prevention. Defence culture is characterised as systematic.</td>
<td>Occupational health risks are proactively identified through monitoring, research and observation. Associated management regimes implemented and monitored.</td>
<td>Hazard identification and risk management processes are systematic and involve a broad range of foreseeable situations.</td>
<td>Safe systems of work are continuously improved, based on sound analysis and feedback. WSH is an integrated part of the capability lifecycle.</td>
<td>WSH is part of the capability lifecycle.</td>
<td>Contractor and supplier WSH performance is monitored, reviewed and improved.</td>
</tr>
<tr>
<td>Level 2 Managed</td>
<td>WHS is managed according to regulatory requirements. Individuals are aware of known occupational risks defined by regulations and associated monitoring of workers.</td>
<td>Occupational health is managed according to regulatory requirements.</td>
<td>Hazard identification and risk management uses consistent and relevant risk calculations and compliance oriented checks.</td>
<td>Safe systems of work are safe, documented and followed. Workforce procedures are compliant.</td>
<td>Specific WSH obligations are part of contractual arrangements. Contractors and suppliers working on site are inducted in Defence WSH expectations and are subject to corrective action.</td>
<td>Generic plans, procedures and EOC structures are in place. Local training and equipment is consistently delivered. Post incident debriefing processes are in place. Workforce awareness of emergency arrangements.</td>
</tr>
<tr>
<td>Level 1 Reactive</td>
<td>Absence of fragmented and disconnected management systems, with resulting conclusion of intent, priorities, roles and preferred practices. Defence culture is characterised as reactive.</td>
<td>Occupational health practices are inconsistent and sometimes out of alignment with exposure risks. Reaction to exposure or illness occurs once people are affected.</td>
<td>Hazard identification occurs for the most visible hazards. Risk management is often reactive and uses variable methodologies.</td>
<td>Safe systems of work lack consistent coverage and implementation.</td>
<td>WSH is a low priority throughout the capability lifecycle.</td>
<td>A hands-off approach to contract management creates a lack of responsibility regarding WSH risks and practices.</td>
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**Introduction to Work Health and Safety in Defence**

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>Management</th>
<th>Compensation</th>
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<tbody>
<tr>
<td><strong>Intent</strong></td>
<td>In the event of an emergency, Defence responds quickly and effectively to protect its people and, through them, its capability.</td>
<td>Rehabilitation aims to achieve maximum function and retention post injury or illness.</td>
</tr>
<tr>
<td><strong>Level 5 Leading</strong></td>
<td>Response demonstrates Defence expertise in emergency management. The community feels safe and trusts Defence to protect its people and its national interests.</td>
<td>Incident management ensures that each event is managed through its life cycle, with strategies to reduce and prevent recurrence.</td>
</tr>
<tr>
<td><strong>Level 4 Learning</strong></td>
<td>Defence practices for all types of treatments are recognised as leading practice. Consequences of injury and illness are minimised and capability maximised.</td>
<td>High levels of retention are achieved with medical discharges minimised. Injury and illness management systems are continually evaluated, revised and improved.</td>
</tr>
<tr>
<td><strong>Level 3 Proactive</strong></td>
<td>Response is fully integrated with business continuity, environmental protection, security, critical infrastructure protection and continuous improvement processes.</td>
<td>Culture supports a more holistic and open evaluation of events and enables more innovative and integrated approaches to prevention.</td>
</tr>
<tr>
<td><strong>Level 2 Managed</strong></td>
<td>Treatment regimes are proactively evaluated for effectiveness. Includes internal and external evaluation.</td>
<td>Groups and Services collaborate to maximise opportunities for the placement and retention of injured or ill workers.</td>
</tr>
<tr>
<td><strong>Level 1 Reactive</strong></td>
<td>Response is consistent with basic local emergency response procedures.</td>
<td>Cause and impact of events established. Life cycle of events work-flowed and closed-out.</td>
</tr>
<tr>
<td><strong>Increasing Capability</strong></td>
<td>The range of event scenarios is predicted and treatment regimes planned, practiced and documented.</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Preserving Capability</strong></td>
<td>All events are reported and action taken to address immediate and obvious cause.</td>
<td>Access to compensation is facilitated in a manner that encourages retention and addresses underlying causal factors.</td>
</tr>
<tr>
<td><strong>Decreasing Capability</strong></td>
<td>Policies and procedures comply with legislative requirements. Rehabilitation is externally driven, with a largely passive workforce.</td>
<td>Claims-driven processes rather than preventative approach.</td>
</tr>
<tr>
<td><strong>Decreasing Maturity of Due Diligence Processes</strong></td>
<td>Claims-driven processes rather than preventative approach.</td>
<td>Culture of deferring claim lodgement until discharge occurs, mitigating early rehabilitation and legitimate access to compensation.</td>
</tr>
</tbody>
</table>

**Element Descriptions**

- **Level 5 Leading**: WHS is leading practice, externally focused and foundational to Defence capability and success. Defence culture is characterised as mindful.
- **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.
- **Level 3 Proactive**: Alignment, closed-loop improvement and linkages across Defence established, with associated emphasis on prevention. Defence culture is characterised as systematic.
- **Level 2 Managed**: Compliance-oriented WHSMS, with associated auditing regime. Defence culture is characterised as compliant.
- **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.
Work Health And Safety Branch Occupational Health Policy

Policy statement
1. Defence is proactive in identifying occupational health opportunities in workplaces and through its occupational hygiene capability develops and implements mitigation strategies that protect our people from incident, injury and illness so far as is reasonably practicable.

Scope
2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets and contractors.
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.

Definitions
4. Occupational health covers both occupational medicine and occupational hygiene.
5. Occupational health has three objectives:
   5.1. maintenance and promotion of workers’ health
   5.2. improvement of working environments and work to become conducive to safety and health, and
   5.3. development of work organisations and working cultures in a direction which supports health and safety at work, promoting a positive social climate and smooth operation enhancing productivity of the undertakings.
6. Occupational hygiene supports health through the anticipation, recognition, evaluation, communication and control of environmental hazards in, or arising from, the workplace that can result in injury, illness, impairment, or affect the well-being of workers and members of the community.
7. Occupational medicine takes a preventative approach to health and safety in the workplace by looking at how a work environment can affect a person’s health, and how a person’s health can affect their work.
Vision
8. Supporting the vision outlined in the *Defence Work Health and Safety Strategy 2017-2022*, the vision for Defence's occupational hygiene capability is as follows:

8.1. **Safety assurance and continuous improvement.** Defence moves from a maturity level of managing occupational hygiene hazards by taking practical steps to achieving compliance with relevant regulations and policies to a proactive level beyond compliance where it drives a culture of continuous improvement and best practice. This will occur through an occupational hygiene community that learns, communicates and works collaboratively.

8.2. **Health and safety conscious people.** Defence has competent occupational hygiene professionals embedded within the Groups and Services committed to a culture of proactively identifying occupational health hazards and risks and recommending control strategies that minimise these hazards so far as reasonably practicable.

8.3. These professionals will include those with technical and specialist knowledge who can work with all levels of leadership within Defence to develop control strategies for the hazards most relevant to them.

8.4. **Healthy and safe workplaces.** Defence has an occupational hygiene capability that proactively identifies and manages occupational hazards before they manifest as worker injury, illness or death. In doing so, both the work environment and Defence’s broader capability will be improved.

8.5. **Health and safety across the capability lifecycle.** Defence has an occupational hygiene capability working across all stages, from design to disposal, of the capability lifecycle that eliminates or, if elimination is not possible, minimises occupational health risks arising from platforms, infrastructure, plant and equipment.

Aims
9. Work Health and Safety Branch’s enterprise-level capability will support local efforts and act strategically to manage risks relevant to the whole of the organisation. Work Health and Safety Branch will:

9.1. provide timely occupational hygiene advice and support through a combination of internal expertise and contracted providers

9.2. work with Groups and Services to undertake hazard identification, risk assessment and develop control strategies for entity-wide hazards

9.3. provide a professional occupational hygiene training framework for Defence staff, and

9.4. oversee a Defence-wide occupational hygiene community.
Strategic Objectives (Roles and Responsibilities)

10. To achieve the aims of Defence’s occupational hygiene capability, Work Health and Safety Branch will lead the following enterprise activities:

10.1. **Review statement of works and review findings of contracted high-risk and complex occupational hygiene work.** Work Health and Safety Branch will provide assurance to Groups and Services who use contracted occupational hygiene services for complex and high risk work. This function will assist Groups and Services with the development of statements of works to ensure that the methodologies and standards used by contractors are consistent with Defence expectations.

10.2. An occupational hygiene issue is “complex and high risk” if it:

10.2.1. has a significant health and safety risk that:
   10.2.1.1. will negatively influence a large number of personnel
   10.2.1.2. has been an ongoing (long-term) issue causing significant injury or disease, and/or
   10.2.1.3. will negatively influence an entire Defence capability (or significant equipment) that impacts future equipment function or operation.

10.2.2. poses a significant risk to Defences’ reputation, irrespective of whether or not Comcare or legal action is involved

10.2.3. involves significant impacts, or there are critical lessons learnt, applicable to more than one Group or Service

10.2.4. simultaneous interaction of multiple occupational health issues similar in nature, and/or

10.2.5. involves other factors where an independent evaluation or review of occupational hygiene factors is agreed to after discussions with the Work Health and Safety Branch (e.g., expected contract, or a project).

10.3. Final reports for complex and high-risk occupational hygiene work will be reviewed by the Work Health and Safety Branch to ensure the analysis and interpretation of results and any recommendations are practical and consider the Defence context.

10.4. **Coordination of enterprise-wide hazard identification and evaluation.** Work Health and Safety Branch will be responsible for identifying enterprise-level hazards and developing strategies to manage them. High level data analysis will be performed to identify occupational hygiene hazards at the enterprise level. This will be done through the analysis of:

10.4.1. Sentinel data

10.4.2. Work Health Safety Branch Predictive Analytics data

10.4.3. information from Work Health and Safety Branch’s Emerging Hazards capability

10.4.4. hazard surveys, and
10.4.5. all Defence occupational hygiene reports collected via the Sentinel Occupational Health Request module.

10.5. Where an enterprise level hazard is identified, Work Health and Safety Branch will develop a targeted reduction program. The program will outline the:

10.5.1. methods required to evaluate the hazard in Defence workplaces
10.5.2. performance measures required to achieve management of the hazard so far as is reasonably practicable, and
10.5.3. specialist resources required to complete the program, including personnel within the Groups and Services.

10.6. **Occupational hygiene professionalisation.** Work Health and Safety Branch will maintain a framework for professionalisation, communication and knowledge sharing amongst Occupational Hygiene practitioners. The framework will include ongoing governance to ensure that practitioners who have fulfilled the requirements of Defence occupational hygiene training maintain current knowledge and their technical competency.

10.7. Work Health and Safety Branch has established a community of practice which enables the sharing of knowledge and expertise amongst occupational hygiene practitioners from across the organisation through the following initiatives:

10.7.1. Occupational Hygiene eNews quarterly newsletters
10.7.2. Annual Defence Occupational Hygiene Forum
10.7.3. Occupational Hygiene Connect Sharepoint website, and
10.7.4. Work Health Safety Branch Occupational Hygiene website.

10.8. **Occupational Medicine.** The Department’s Senior Physician (Occupational and Environmental Medicine) works within the Work Health and Safety Branch and is available for high level advice and guidance on occupational health issues.

10.9. Occupational health risk assessments must be undertaken in accordance with the SafetyMan – Work Health and Safety Risk Management Policy.

10.10. Joint Health Command will provide occupational health monitoring for ADF members where the requirement has been determined in accordance with Defence Health Manual, Volume 2, Part 14, and Chapter 7 – Determining the requirement for Occupational Health Monitoring in the Australian Defence Force.

10.11. Groups and Services are required use the Sentinel Occupational Hygiene Module to process occupational hygiene tasks. The capability requires use of the Sentinel Module across the organisation to maintain a consistent method of data collection and storage. The Branch will use this data to conduct detailed trend analysis to identify high risk entity-wide issues and emerging hazards.

10.12. Group Heads and Service Chiefs as officers of the Person Conducting a Business or Undertaking are responsible for allocating sufficient resources to effectively manage occupational health risks.
10.13. Commanders/managers and supervisors must take all practicable steps to protect the health and safety of workers. They have a responsibility to:

10.13.1. understand how occupational health hazards affect their workers and the work being performed
10.13.2. provide all workers with appropriate information, education, training, instruction or supervision necessary to protect themselves from risks to their health
10.13.3. consult with workers to identify, assess and control occupational health-related hazards and risks
10.13.4. ensure appropriate occupational health risk management is conducted for activities
10.13.5. implement improvements to reduce occupational health related risks, so far as is reasonably practicable
10.13.6. analyse event reports for which an occupational health factor was the cause, or a contributing cause, of the event, and
10.13.7. ensure occupational hygiene reports, records and other documents are kept in accordance with the requirements of the Work Health and Safety Regulations 2011 and Defence Record Management Policy Manual.

10.14. All workers have a responsibility to:

10.14.1. take all reasonably practicable steps to safeguard their own health and safety and the health and safety of others in the workplace
10.14.2. understand and follow established safe work practices and procedures, participate in appropriate training and hazard identification, and control risks arising from hazards to occupational health
10.14.3. advise supervisors of any perceived risk that could increase exposure to an injury or illness
10.14.4. monitor their work environment, and where they observe risks to the health or safety of themselves or others take appropriate action to prevent diseases, illnesses and injuries in themselves or their fellow workers, and
10.14.5. report events that caused, or could have caused, injury or illness.

References
12. Work Health and Safety Regulation 2011
14. SafetyMan
   14.1. Defence Work Health and Safety Policy
   14.2. Work Health and Safety Risk Management Policy

14.4. Hazardous Chemicals Management Policy and Guidance

14.5. Noise Management Policy and Guidance

14.6. Due Diligence Policy and Guidance

15. Safe Work Australia

15.1. Health Monitoring for Exposure to Hazardous Chemicals Guide for Persons Conducting a Business or Undertaking

15.2. Health Monitoring for Exposure to Hazardous Chemicals Guide for Workers

15.3. Health Monitoring for Exposure to Hazardous Chemicals Guide for Medical Practitioners

15.4. Hazardous Chemicals Requiring Health Monitoring

16. Australian Institute of Occupational Hygienists

17. Australasian Faculty of Occupational and Environmental Medicine

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<tbody>
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<td>Policy Owner:</td>
<td>Occupational Health and Hygiene Directorate</td>
</tr>
<tr>
<td>Date Published:</td>
<td>6 Jul 2018</td>
</tr>
<tr>
<td>Objective ID:</td>
<td>AB36411868</td>
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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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<td>Analysis and Reporting Directorate</td>
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<tr>
<td>Date Published:</td>
<td>5-Jul-18</td>
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<td>Dec-19</td>
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Work Health And Safety Capability Life Cycle Policy

Policy statement
1. To ensure work health and safety risks are appropriately considered and managed throughout the life of the capability, Defence must integrate work health and safety considerations into the capability life cycle from strategy and concepts through to disposal.

Scope
2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. This policy is applicable to all Defence capability acquisitions and new equipment procurement, sustainment, modification, use and disposal activities, including estate and infrastructure, information, communications and technology.

Introduction
4. Multiple Defence Groups and Services are involved in the capability life cycle, with responsibility for elements of work health and safety management transferring or shared between the Groups, Services and involved contractors and sub-contractors. Each Defence Group and Service must consult, cooperate and coordinate to ensure all information on work health and safety hazards, risk controls and associated analyses is understood and effectively managed throughout the capability life cycle.
5. The Capability Manager is responsible for identifying and defining the capability requirements and engaging with associated procurement enablers for new Defence capability. A Capability Manager is predominately the Service representatives engaging with Capability Acquisition and Sustainment Group, Estate and Infrastructure Group, Strategic Policy and Intelligence Group and Defence Science and Technology Group as the delivery group. However, in some instances an Enabling Group can be a Capability Manager.

Hierarchy of Controls in Work Health and Safety Capability Life Cycle
6. Assessment of the work health and safety hierarchy of controls (Annex A) must be undertaken at the risk mitigation and requirement setting stage to eliminate, substitute, isolate and/or engineer out or reduce risks so far as is reasonably practicable in any design configuration. This includes compliance with legislation and applicable Defence prescribed control methods.
7. At the acquisition stage a re-assessment of required controls must be undertaken to ensure that they are still relevant and effective. In-service use must also consider administrative controls and the provision of effective and suitable personal protective equipment prior to operational use.
8. At the disposal stage an assessment must be undertaken of the disposal action required to mitigate health and safety issues and any detrimental effects on the environment in accordance with direction from the Capability Manager.
9. Where disposal involves re-purposing by other users, supplier duties must be met and the relevant health and safety risk information provided.

Roles and responsibilities

10. The Defence Capability Manager in consultation with the associated procurement enabler is responsible and accountable for:

10.1 Converting the joint capability needs statement into a contractible requirement statement. Requirements need to be standardised, fit for purpose, complete, and account for all fundamental inputs to capability, including work health and safety requirements. Requirements need to be developed to a level of specificity to support industry engagements, capability acceptance, and detailed analysis of implications for the fundamental inputs to capability.

10.2 Ensuring that the relevant delegated responsibilities for managing Defence Regulatory Frameworks are implemented through a capability safety program including assurance outcomes as defined by these frameworks. The Defence Regulatory Frameworks which provide amplification of statutory work health and safety requirements for specific materiel or hazard categories are:


e. Commander Joint Logistics - Radiation Safety - Directorate of Radiation Safety and Environment.

10.3 Developing processes to contextualise the work health and safety hazard and risk information for use in an Australian / operational environment and for / from the Defence perspective.

10.4 Ensuring clearly defined and agreed milestones or trigger points to pass across, or to receive, work health and safety information and assurance information. Such points are to be identified with designers, manufacturers, suppliers, installers, commissioners and users, and those responsible for disposal, including other Defence Groups and Services.

10.5 Develop a system to communicate (ie documenting and transferring) all known work health and safety hazards, work health and safety risk management controls and their associated work health and safety issues are effectively communicated to affected duty holders across the capability life cycle.

10.6 Ensure that prior to use, the primary duties of care are satisfied and the appropriate controls have been implemented and communicated to Defence personnel, users, installers, commissioners, maintainers and disposers, ensuring so far as reasonably practicable determinations are made for identified hazards and mitigation controls.

10.7 The governance and management of applicable plant, substances, structures and equipment that demonstrably comply with relevant Work Health and Safety Act 2011 and Work Health and Safety Regulations 2011.

Duty Holders and Representative Officers

11. The Duty Holders Accountable and Representative Officers Responsible are attached at Annex B.
References and related documents

12. Work Health and Safety Act 2011 (Cth)
13. Work Health and Safety Regulations 2011 (Cth)
15. Environmental Protection and Biodiversity Conservations Act 1999
17. Defence People Policy, SafetyMan

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Annexes

A. Application of the Hierarchy of Controls
B. Duty Holders and Representative Officers
The application of the hierarchy of controls provides a systematic process to consider the management of residual risk.

**The Hierarchy of Controls**

*Manage risk – eliminate before you minimise*
## Annex B

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Work Health And Safety Event (Incident) Reporting Policy And Guidance

Policy statement

1. All Defence work health and safety events must be recorded in the Defence work health and safety management information system, Sentinel. In addition, fatalities, serious injuries/illnesses and dangerous incidents must be notified to Comcare.

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. Reporting and recording work health and safety events enables Defence to improve health and safety outcomes for people and to meet legislative reporting obligations under the Work Health and Safety Act 2011. Defence can analyse and better understand the hazards and risks faced by workers and improve work health and safety performance and, ultimately, Defence capability.

5. Defence classifies work health and safety events according to the level of severity of outcome. In decreasing order of severity, the severity levels are: fatality - the death of a person, a serious injury or illness of a person, a dangerous incident, a minor injury or illness, an exposure and a near miss. All levels must be reported within Defence.

6. In accordance with the Work Health and Safety Act 2011, the three more severe levels - called notifiable incidents - must also be notified to Comcare.

7. The Sentinel application on the Defence Protected Network provides an event reporting capability which can also be used to report notifiable incidents to Comcare. The timeframes specified in Sentinel processes align with legislative notification requirements.

Notifiable incidents

8. The commander or manager, or their delegate, must notify Comcare immediately by phone on 1300 366 979 (or +612 6276 0333 if overseas) once they have confirmed through advice from their safety adviser that an event is a notifiable incident. Written notification must be provided to Comcare within 48 hours and may be provided by several means including through answering ‘yes’ to Question 31.1 in Sentinel, or via email or fax where Sentinel is not available.
9. The site of a notifiable event must be preserved for investigation purposes unless advised by a Comcare investigator it is not required. This advice should be sought during the notification phone call to Comcare to report the event.

10. If the event involves radiation exposure (ultraviolet, ionising and non-ionising), the Australian Radiation Protection and Nuclear Safety Agency must be notified by phone on 1800 678 112 within 24 hours of the event.

**Reporting and notifying Comcare**


12. Comcare should be notified of incidents as detailed in paragraphs 8–10. The incident site must be preserved in all circumstances except warlike and non-warlike operations, and where advice has been received from Comcare that site preservation is not required. Comcare advice regarding site preservation must be adhered to.

13. The diagram in Attachment A provides the workflow process and timeframes for processing a notifiable incident.

14. Written notification is automatically submitted to Comcare by Sentinel once the workplace supervisor or commander/manager finalises the Event Additional Questions - Supporting Information Form, provided question 31.1 of the form is answered ‘Yes’.

15. As described in paragraph 12, the Chief of the Defence Force has exercised his right under the Work Health and Safety Act 2011, Part 1, Division 4, Section 12D (2) (Annex A) to exempt members of the ADF from complying with obligation under the Work Health and Safety Act 2011 to report incidents (notify Comcare) or preserve incident sites when ADF personnel are injured while undertaking declared warlike and non-warlike operations.

16. However, work health and safety incidents in warlike and non-warlike operations must still be reported to Defence through Sentinel – the process for reportable events is shown in Attachment B.

17. Notifiable incident records must be kept for five years from the day that notice was given to Comcare. If written notification is made through Sentinel the record is managed indefinitely by Defence.

**Guidance**

18. Further information on notification and reporting may be obtained through:

   18.1. Sentinel link to [Defence Help](http://www.defence.gov.au);

   18.2. Sentinel Business Support Team, whs.sentinel@defence.gov.au or 1800 220 820 (Ext 1); and

   18.3. Sentinel User Portal including:

      18.3.1. visual guides,

      18.3.2. reference guides,

      18.3.3. Sentinel User Manual, and

      18.3.4. work instructions.
Privacy of information

19. All details provided on a Defence work health and safety event report are protected under section 14 of the Privacy Act 1988 – Australian Privacy Principles 3,4,5,6 and 8. Personal information must be handled appropriately and cannot be used or disclosed without the consent of the person named, except:

19.1. to those for whom it was collected, such as regulators, commanders or managers, officers of the person conducting a business or undertaking and the person with control of the workplace, supervisors (the person with control of work), the safety coordinator, advisor or manager, compensation claims managers and rehabilitation case managers; and

19.2. where the commander/manager believes the information needs to be disclosed to prevent or reduce a serious and imminent threat.

20. Under the Privacy Act 1988 – Australian Privacy Principles 12 and 13, the person named in the event report form is entitled to review the record processes against the information provided and to correct any inaccuracies.

21. Further information regarding the Privacy Act 1988 and Australian Privacy Principles can be found on the Defence Complaints and Resolution privacy intranet page.

Acceptable usage

22. Details of what is deemed acceptable usage of Sentinel are in the System User Acceptable Usage Standard Operating Procedures.

ADF sport

23. A member of the ADF is deemed to be on duty where they are involved in ADF organised and approved sport and where they have sought approval in accordance with the Military Personnel Policy Manual, Part 11, Chapter 7, ‘Sport in Defence’. Injury suffered while involved in such sporting events is reportable in Sentinel. A copy of the approval must be attached to the report.

24. ADF members participating in civilian sport who suffer injury as a result of playing for a civilian sporting club in off-duty hours (where they are not representing the ADF) are not required to report the event through Sentinel.

Aviation events

25. For events involving military aircraft operations detailed in the Defence Aviation Safety Manual and sponsored by the Directorate of Defence Aviation and Air Force Safety, there are additional reporting and notification requirements which are not covered in this policy and guidance. Advice should be sought directly from the Directorate of Defence Aviation and Air Force Safety.

Motor vehicle accidents

26. Reporting of events involving Defence vehicles are detailed in Chapter 10 of the Defence Road Transport Manual, which is sponsored by the Director General Preparedness and Plans – Army. Additional guidance should be sought directly from Preparedness and Plans – Army.

Notifiable casualty reports and notifiable fatal casualty reports

27. Where a Notifiable Casualty (NOTICAS) report or a Notifiable Fatal Casualty (FATALCAS) report is completed in accordance with the Defence Casualty and Bereavement Support Manual, Chapter 1, Casualty Notification of Australian Defence Force members', the
legislative requirement to notify Comcare within the prescribed timeframes remain, and a Defence event report is to be completed in accordance with these instructions.

**Safety report of defective or unsatisfactory materiel (RODUM)**

28. A Report of Defective or Unsatisfactory Materiel is compiled if an injury has occurred or there is a likelihood that an injury may occur, because of defective or unsatisfactory materiel. The originator must submit the Report of Defective or Unsatisfactory Materiel using extant Group/Service procedures.

29. When a Report of Defective or Unsatisfactory Materiel is compiled, a report must also be submitted via a Defence event report in Sentinel.

**Unacceptable behaviour**

30. Unacceptable behaviour complaints including bullying and harassment complaints are managed under the provisions of *Interim DI(G) PERS 35–3 – Required Behaviours in Defence*, and are reported using the Defence webform AC875-1 – Initial Complaint Report - Unacceptable Behaviour or Sexual Offence.

31. In accordance with the *Interim DI (ADMIN) 45-2, Incident Reporting and Management* and the *Incident Reporting and Management Manual*, commanders and managers are to undertake a fact finding activity to determine relevant details. Commanders/managers are to record all incidents on the form AE530 – Defence Incident Record.

32. The fact finding activity is to determine whether to use Sentinel to report to Comcare, by considering whether the event:

   32.1. occurred at work; and
   32.2. resulted in a death, serious injury or illness, or dangerous incident.

33. Events submitted via Sentinel and recognised as sensitive will be made visible only to nominated roles in that event. When completing a Sentinel Event Report the question, ‘Does the event involve workplace bullying/harassment?’ is asked. If the answer is ‘Yes’, the event will be recognised as sensitive with access limited even further.

**References and related documents**

34. *Work Health and Safety Act 2011*
35. *Work Health and Safety Regulations 2011*
36. *Privacy Act 1988 – Australian Privacy Principles*
38. *Defence Aviation Safety Manual*
39. *Defence Road Transport Manual*
40. *Defence Casualty and Bereavement Support Manual*
41. *Interim DI(G) PERS 35-3 Required Behaviours in Defence*
42. *Australian Radiation Protection and Nuclear Safety Act 1998*
43. *Australian Radiation Protection and Nuclear Safety Regulations 1999*
44. *Safe Work Australia Legislative Interpretive Guidelines*
Annex

A. Work Health and Safety Act 2011 – Part 1, Division 4, Section 12 D (2) - Act not to prejudice Australia’s defence
Attachments

A. Work flow and timeframes for processing a notifiable incident
B. Work flow to process reportable events
Annex A
Work Health and Safety Act 2011

Part 1 – Division 4 – Section 12 D (2) 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.
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Attachment A

Notifiable WHS Event Workflow
June 2016

WHS Event Reported In Sentinel

Role within Event

Status of Event

Reporting Timeframe

Within 24 hrs

Within 28 days

Workplace Supervisor

New

Completed within 48hrs for Concise Notification

14 day reminder until submitted for review (continuous)

14 day reminder until submitted to investigator (continuous)

Under review (event review)

Auto progress onto AA if not completed within 10 days

Under review (event review & Sign off)

Reminder email sent prior to complete by date

Escalate to 1st lvl PMKeyS

Supervisor if not completed by due date

Continue to Escalate to 2nd lvl PMKeyS

Supervisor until Signed off

Approving Authority (AA)

Signed Off

Closed
Work Health And Safety Event Investigation Policy Guidance - Levels Of Investigation

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

Level 1 investigation (low level)

2. A Level 1 investigation should be completed for all Defence reportable work health and safety events (minor injury, exposure, and near miss):

   2.1. a Level 1 investigation requires the local manager or supervisor to investigate the event 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 event 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 Event 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 event 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. BSB41412 - Certificate IV Work Health and Safety or equivalent;
   5.2. BSB51315 - Diploma Work Health and Safety or equivalent;
   5.3. Unit of competency BSBWHS505 – Investigate Work Health and Safety Incidents or equivalent;
   5.4. Unit of competency BSBWHS406 – Assist with Responding to work health and safety incidents or equivalent;
   5.5. Conducting Administrative Inquiries and Fact Finding in Incident Management Course;
   5.6. Military Law Centre’s Inquiry Officer Course;
   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 event. 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 event 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 event 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 event 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. PSP41504 - Certificate IV in Government Investigation;
10.2. PSP51704 - Diploma in Government Investigation;
10.3. The Campus course Conducting Administrative Inquiries;
10.4. Military Law Centre’s Inquiry Officer Course;
10.5. Unit of competency BSBWHS505 – Investigate Work Health and Safety Incidents or equivalent;
10.6. Unit of competency BSBWHS406 – Assist with Responding to Work Health and Safety Incidents or equivalent;
10.7. Defence Aviation Accident Investigator; and

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 2.5(a) of the *Administrative Inquires Manual*, managers and supervisors need to be aware that inquiries 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 event investigations do not apportion blame or determine liability but determine the root causes and contributing factors leading to the outcome.

14. Defence People Group Work Health and Safety Branch is able to offer assistance to conduct Level 3 investigations and this can be requested through the relevant Group Safety Coordinator.

15. 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 event and the recommendations are appropriate to prevent, or so far as is reasonably practicable mitigate the risk of a recurrence.

16. The investigation results must be recorded in Sentinel following their guidelines.

17. The following guidance may assist with the process of conducting a Level 3 investigation.

**Phase 1 – Refer and notify**

18. The commander/supervisor or manager identifies the need to conduct a Level 3 investigation.

19. The commander/supervisor or manager contacts their Group Safety Coordinator for advice on who may conduct the investigation in accordance with individual Group and Service requirements.
20. 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**

21. Work Health and Safety Investigation Plan:

   21.1. 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:

   21.1.1. the objectives of the investigation, scope and possible outcomes;
   21.1.2. identifying and managing risks;
   21.1.3. considering options to prevent recurrence;
   21.1.4. identifying possible lines of inquiry, sources and methods to be used to obtain relevant information and/or evidence;
   21.1.5. identifying available and/or required resources;
   21.1.6. outlining work phases, timelines and milestones; and
   21.1.7. 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.


22. Letter of Appointment:

   22.1. 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.

   22.2. For guidance refer to SafetyMan - Work Health and Safety Event Investigation Procedure 01b – Letter of Appointment Template.

23. Terms of Reference:

   23.1. The Terms of Reference outline the purpose and any limits of the investigation.

   23.2. 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.

   23.3. For guidance refer to SafetyMan - Work Health and Safety Event Investigation Procedure 01c – Terms of Reference Template.

**Phase 3 – Execute**

24. Entry brief: the purpose of the entry brief is to meet with key stakeholders to discuss the following:

   24.1. introduction of lead investigator;
   24.2. outline the Terms of Reference;
   24.3. provide the Work Health and Safety Investigation Plan for discussion;
24.4. expectations of the investigation;
24.5. confidentiality/privacy and security;
24.6. any conflict of interest issues;
24.7. confirm contact details for primary points of contact;
24.8. process investigation will follow;
24.9. general timeframes; and
24.10. develop a schedule of regular update meetings.

25. A record of meeting must be circulated to all attendees of the meeting and all parties present are to sign the record for confidentiality.

26. Collect evidence:
   26.1. investigators should refer to the Terms of Reference as a guide to determine what evidence is required.
   26.2. Investigators should consider the documents or items they need to obtain, including:
      26.2.1. policies and procedures;
      26.2.2. similar incidents reported on Sentinel;
      26.2.3. standard operating procedures, equipment manuals, job safety analysis;
      26.2.4. safety data sheets;
      26.2.5. plant maintenance, inspection and test records;
      26.2.6. employee records (leave, compensation, performance reviews, training records);
      26.2.7. photographs;
      26.2.8. physical evidence;
      26.2.9. expert evidence – an opinion provided by a person who is an expert in a particular subject matter, usually due to qualifications or experience;
      26.2.10. Legislation, Codes of Practice, Australian Standards; and
      26.2.11. Comcare inspector reports on similar incidents.
   26.3. 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.

27. Identify and interview witnesses:
   27.1. 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.
27.2. 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.

27.3. All interviews should be recorded and a transcript provided to the witness for their signature. Refer to Web Form OC097 - Record of Conversation template.


Phase 4 – Analyse

29. 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:

29.1. review the Terms of Reference - it is important for investigators to ensure the evidence collected has been answered;

29.2. organise the evidence;

29.3. gather all relevant evidence that has been collected;

29.4. sort evidence into files that belong together;

29.5. decide how to analyse the evidence and document the analysis procedure;

29.6. analyse quantitative (data) evidence;

29.7. analyse qualitative (narrative) evidence; and

29.8. integrate the evidence, put the analysed evidence together in a way that tells the complete story and answers the Terms of Reference.

30. Root cause analysis:

30.1. 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 event.

30.2. 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.

30.3. To be effective the root cause analysis must be performed systematically and include the following steps:

30.3.1. initiation, which determines the need to carry out the root cause analysis;

30.3.2. problem definition, which establishes the facts of what happened, where and when;

30.3.3. analysis, which uses root cause analysis tools and techniques to ascertain possibilities as to how and why the work health and safety event occurred;

30.3.4. validation, which distinguishes and resolves these casual possibilities; and

30.3.5. conclusion, which presents the results of the analysis.
31. 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.


33. Standard of proof:
   
   33.1. 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.
   
   33.2. 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).
   
   33.3. 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

34. The purpose of a written investigation report is to:
   
   34.1. demonstrate that the investigation has followed a fair and rigorous process;
   
   34.2. identify the evidence collected and the evidence relied on to make findings;
   
   34.3. provide a record of investigation; and
   
   34.4. allow the investigation appointing authority to make a decision on the matter.

35. The investigation report should contain:
   
   35.1. details of the scope of the investigation and the incident investigated;
   
   35.2. the investigation procedure including any important issues that arose during the investigation;
   
   35.3. analysis of the evidence;
   
   35.4. findings on each Terms of Reference; and
   
   35.5. recommendations.

36. 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.


Phase 6 – Review

38. The draft report must be reviewed by appropriate stakeholders prior to finalisation. Consultation may involve the following areas:
   
   38.1. Defence Legal;
   
   38.2. Subject Matter Experts, eg Occupational Physicians, Occupational Hygienists and Toxicologists, etc; and
   
   38.3. the area or workgroup around whom the investigation is centered.
39. 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.

40. The following are some questions that may be relevant when providing procedural fairness:
   40.1. will the findings and/or recommendations adversely affect an individual?
   40.2. how serious are any adverse consequences likely to be, for both an individual and the organisation?
   40.3. how urgent is the decision?
   40.4. what process is reasonable to follow in the circumstances?
   40.5. will there be a record of any findings, including on a personal record or similar?
   40.6. can the findings be easily adjusted if a mistake has been made?


42. 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**

43. Sign and submit the investigation report.

44. 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.

45. The investigation report should be distributed to those parties identified in the Terms of Reference.

46. All investigation records should be retained in accordance with the *Defence Records Management Policy Manual*.

47. Monitor recommendations through to completion.

48. All investigation recommendations are to be recorded in Sentinel and monitored through to completion.

49. 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:
   49.1. what aspects worked well with the investigation;
   49.2. what aspects can be improved upon for future investigations; and
   49.3. how the recommendations are going to be implemented.

**References and related documents**

50. *Work Health and Safety Act 2011*

51. *Work Health and Safety Regulation 2011*

52. *Privacy Act 1988*
53. Defence Privacy Site
54. SafetyMan
   54.1. Work Health and Safety Event Investigation Policy
   54.2. Work Health and Safety Event (Incident) Reporting Policy and Guidance
56. Archives Act 1983
57. Defence Records Management Policy Manual (RECMAN)
59. Defence (Inquiry) Regulations 1985
60. Administrative Inquiries Manual

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Work Health And Safety Event Investigation Policy

Policy statement
1. Defence investigates work health and safety events 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 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 intent of a work health and safety event investigation is to establish the reasons why an event happened and identify future preventative measures. Work health and safety event investigations do not apportion blame or determine liability.
5. Work health and safety event investigations are conducted as a fact finding activity.
6. For this policy, work health and safety event 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 events, 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 events or other work health and safety events 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 events; and
   6.3. Level 3 investigations is an in depth analysis of a serious or complex work health and safety event where there is likely to be a systemic cause. Level 3 investigations must be lead by a person with formal qualification and experience in work health and safety and root cause analysis.
7. Further information refer to SafetyMan – Work Health and Safety Event Investigation Policy Guidance - Levels of Investigation, including suggested investigator competencies.
8. This policy does not apply to investigations initiated by Comcare as the regulator. A Comcare investigation does not preclude Defence from investigating an event.

Roles and Responsibilities
9. 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 event investigation policies and guidance or follow the SafetyMan – Work Health and Safety Event Investigation Policy Guidance - Levels of Investigation.
10. Commanders/managers and supervisors at all levels are responsible for determining the level of a work health and safety event investigation and undertaking steps in accordance with this policy: This includes:
   10.1. completing (or supervising) all Level 1 investigations;
   10.2. discussing the requirement for Level 2 and Level 3 investigations with the relevant Group Safety Coordinator; and
   10.3. ensuring that all endorsed recommendations from work health and safety event investigations are implemented.

11. Work Health and Safety Branch is the Defence work health and safety event investigation centre of expertise and has capacity to assist with:
   11.1. conducting Level 3 work health and safety event investigations on request from Group Safety Coordinators;
   11.2. liaising with Comcare the regulator, regarding work health and safety events of interest;
   11.3. Subject Matter Expert support for work health and safety event investigation; and
   11.4. oversight and governance of Defence work health and safety event investigations.

12. 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.

13. 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:
   13.1. consulting with commanders/managers and supervisors in relation to participating in work health and safety event investigations;
   13.2. complying with all instructions provided, including the information in the SafetyMan – Work Health and Safety Event Investigation Policy Guidance – Levels of Investigation; and
   13.3. taking reasonable steps to protect their own and other workers safety.

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Work Health And Safety Event Investigation Procedure 01 – Event Investigation Templates

1. This procedure provides work health and safety tools, information and/or guidance relating to the SafetyMan – Work Health and Safety Event Investigation Policy.

2. There are significant legislative requirements which are essential in work health and safety event investigations. Investigations are used to identify the factors of an event and prevent reoccurrences.

3. The following SafetyMan – Work Health and Safety Event 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. Work Health and Safety Event Investigation Procedure 01a - 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. Work Health and Safety Event Investigation Procedure 01b - 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. Work Health and Safety Event Investigation Procedure 01c - 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.  *Work Health and Safety Event Investigation Procedure 01d - 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.

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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 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 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

<table>
<thead>
<tr>
<th>Organisational element or office holder</th>
<th>Roles, responsibilities and accountabilities</th>
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<tbody>
<tr>
<td>Department of Defence</td>
<td>Defence is an agency responsible for fulfilling Commonwealth work health and safety obligations as the Person Conducting the Business or Undertaking.</td>
</tr>
<tr>
<td>Defence People Group – Work Health and Safety Branch</td>
<td>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.</td>
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## WHS Roles, Responsibilities and Accountabilities Policy

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<th>Organisational element or office holder</th>
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| 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 | Responsible for:  
- the health and safety of their workforce; and  
- implementing SafetyMan policies, guidance and procedures, contextualised where required, for their part of the Defence undertaking.  
Accountable to the Commonwealth for:  
- 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 the Work Health and Safety Act 2011, Part 2, Division 4, Section 27- Duty of officers; and  
- consulting, coordinating and cooperating with others to ensure mutual responsibilities and accountabilities are achieved.  
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. |
| Upstream duty holders | 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.  
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>| Regulatory Authorities | 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>
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<tr>
<td>Technical Regulatory Authorities for land, sea and air domains</td>
<td>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.</td>
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| Lead authorities, element leads, safety domain owners and Service Chiefs/Group Heads responsible for coordination layers | 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:  
- providing policy, processes, practices and assurance for their relevant element/s; and  
- consulting, cooperating and coordinating with other Groups and Services.  
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 Command (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.  
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.  
Lead authorities, safety domain owners and coordination layer leads are accountable to the Secretary and Chief of the Defence Force for:  
- 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 vs Roles, responsibilities and accountabilities

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| Commanders and managers                 | In addition to their responsibilities as workers, commanders and managers are responsible for:  
- 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                                 | All Defence workers are responsible for:  
- 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 Work Health and Safety 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 Work Health and Safety Act, enables the Chief of the Defence Force, with the approval of the Minister, to declare that specified provisions of the Work Health and Safety 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, under WHS Governance, Legislation, Codes of Practice, Policy, Declarations and Exemptions.
6. 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 Work Health and Safety 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.
**Accountability framework**

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

![Defence Work Health and Safety Accountability Framework](image)

**Figure 1:** Defence Work Health and Safety Accountability Framework
References and related documents
9.  Work Health and Safety Act, Part 1, Division 4, Section 12D – Act not to prejudice Australia’s Defence
10.  *Work Health and Safety Regulations 2011*
11.  SafetyMan – *Governance and Due Diligence*

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Work Health and Safety Assurance Policy

Policy statement
1. Defence measures the effectiveness of work health and safety 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 within the SafetyMan Glossary of Work Health and Safety Terms.
5. This policy forms part of the broader assurance framework, refer to the Work Health and Safety Assurance Guidelines; 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 (Cth) and Work Health and Safety Regulations 2011 (Cth).
7. In accordance with the Defence Work Health and Safety Officer Due Diligence Framework 2018, specifically paragraph 11(d)(i-ii), the Defence Work Health and Safety 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’s Work Health and Safety assurance activities.
Roles and responsibilities

10. Assistant Secretary Work Health and Safety is responsible for:
   10.1 developing, implementing and maintaining, in consultation with Groups and Services, the Defence Work Health and Safety Assurance Framework;
   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 Assistant Secretary Work Health and Safety Branch information, as requested, to enable the review of safety assurance activities in accordance with the Work Health and Safety Assurance Guidelines.

References and related documents

12. Work Health and Safety Act 2011 (Cth)
13. Work Health and Safety Regulations 2011 (Cth)
14. 17 Element WHS Management System
15. Due Diligence Policy and Guidance
   15.1 Annex A – Defence Work Health and Safety Officer Due Diligence Framework 2018
16. Work Health and Safety Roles, Responsibilities and Accountabilities Policy
17. Work Health and Safety Risk Management Policy
18. Work Health and Safety Assurance Guidelines

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Work Health and Safety Education, Awareness and Skilling Policy and Guidance

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.
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