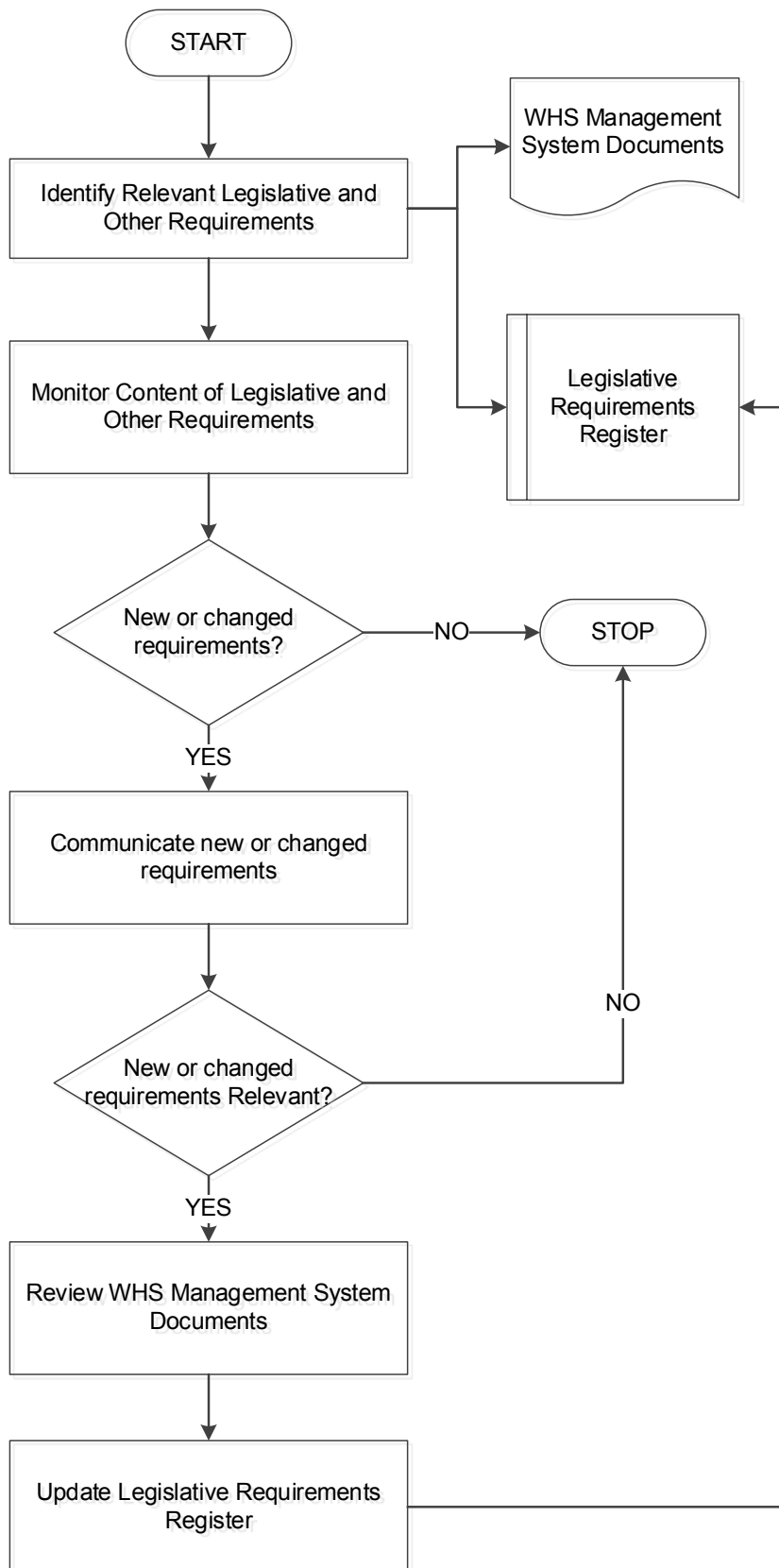


# SAFETY LEGISLATION

## 1.0 SUMMARY / FLOWCHART



**2.0 RESPONSIBILITIES**

<b>Organisational Level</b>	<b>Health and Safety Responsibilities</b>
<p><b>Level 1</b> (<i>General Manager, Group Directors</i>)</p>	<p>Provide adequate financial resources to ensure that subscriptions to legislation alert services are maintained to allow monitoring of requirements applicable to SCC’s activities, operations, products and services.</p>
	<p>Provide adequate human resources to ensure that any new or amended legislative requirements are identified, and where relevant, incorporated into SCC’s WHS Management System.</p>
	<p>Provide adequate human resources to ensure that any new or amended legislative requirements are communicated to relevant persons within SCC.</p>
	<p>Ensure that this procedure is implemented effectively in their area of control.</p>
	<p>Ensure that legal requirements are properly incorporated into the WHS Management System and other planned arrangements.</p>
	<p>Review compliance audit reports with respect to legal requirements and provide resources to implement any required corrective actions.</p>
	<p>Attend legal obligations training when scheduled.</p>
<p><b>Level 2</b> (<i>Section Manager, Unit Manager / Unit Co-ordinator, Project Manager</i>)</p>	<p>Advise the General Manager and Group Directors of the financial, human and other resources required for the effective operation of this procedure.</p>
	<p>Identify legislative and other requirements that are applicable to SCC operations and activities.</p>
	<p>Make available registers of legislative requirements applicable to SCC operations and activities on the website.</p>
	<p>Communicate changes to legal obligations to key stakeholders</p>
	<p>Ensure that the verification activities required by this procedure are completed in accordance with the audit schedule.</p>
	<p>Incorporation of legal obligations in planning and risk management documentation.</p>
	<p>Ensure that a training regime is developed and that it is consistent with current legislative requirements.</p>
<p><b>Level 3</b> (<i>Coordinator within a Unit, Team Leader, Supervisor, Ganger or Leading Hand or Operator</i>)</p>	<p>Communicate changes to legal obligations to key stakeholders.</p>
	<p>Incorporation of legal obligations in planning and risk management documentation.</p>

	Ensure high risk activities are undertaken by appropriately licensed personnel.
	Attend training when scheduled.
<b>Level 4</b> ( <i>Team Member, Operator Attendant, Trainee, Apprentice</i> )	Attend training when scheduled.
	Comply with risk management procedures and those requirements defined by SCC’s legal obligations.
	Maintaining licences and certification for use of plant and equipment they are required to operate.
<b>Level 5</b> ( <i>Volunteer, Contractor, Other</i> )	Maintain the currency of any required “high risk work” licences and certifications.
	Comply with risk management procedures and those requirements defined by SCC’s legal obligations.
	Participate in inductions and training when scheduled.
<b>WHS Risk Unit</b>	Maintain subscriptions and alert services as defined in this document.
	Communicate changes in legislative and other requirements to relevant personnel within SCC.
	Establish and maintain the Legislative Requirements Register.
	Ensure that WHS Management System documents reflect the requirements of new or amended legislation.
	Ensure Compliance Reviews and Compliance Audits are conducted as scheduled and that corrective actions are taken, if required.

### 3.0 PURPOSE & SCOPE

#### 3.1 PURPOSE

- 3.1.1 This procedure documents the processes implemented within Shoalhaven City Council (SCC) to ensure compliance with relevant legislative and other requirements through the following:
- 3.1.1.1 the identification of health and safety legislation, Codes of Practice, Australian Standards, guidelines and agreements applicable to SCC’s activities, operations, products and services.
  - 3.1.1.2 the reflection of legislative and other requirements in WHS Management System procedures and documents and the implementation of ongoing compliance reviews and audits to verify compliance and identify non-compliance, requiring correction.
  - 3.1.1.3 the monitoring of the content of health and safety legislation, Codes of Practice, Australian Standards, guidelines and amendments for new or changed requirements.

- 3.1.1.4 the communication of legislative changes to relevant personnel and the review of procedures in response to changes.

## **3.2 SCOPE**

- 3.2.1 This procedure applies to the identification and monitoring of all relevant health and safety legislation, Codes of Practice, Australian Standards, guidelines and amendments applicable to SCC’s activities, operations, products and services.
- 3.2.2 This procedure also applies to the development of WHS Management System procedures and documents to reflect legislative and other requirements, and the review of these documents when legislative requirements change.

## **4.0 PROCEDURE**

### **4.1 IDENTIFICATION OF RELEVANT LEGISLATIVE REQUIREMENTS**

- 4.1.1 Managers, in consultation with the WHS Risk Unit, will identify the health and safety legislation, Codes of Practice, Australian Standards, guidelines and agreements applicable to the activities, operations, products and services under their control.
- 4.1.2 Any relevant legislation, Code of Practice, Australian Standard, agreement or guideline applicable to the content of a WHS Management System procedure will be listed within the References and Associated Documents section of the procedure.
- 4.1.3 Changes in health and safety legislation, Codes of Practice and Australian Standards will be notified through the Monthly WHS Report and be available for discussion and consultation.

### **4.2 LEGISLATIVE REQUIREMENTS REGISTER**

- 4.2.1 The WHS Risk Unit Manager will establish and maintain a Legislative Requirements Register that documents the health and safety legislation, Codes of Practice, Australian Standards, guidelines and agreements applicable to SCC.
- 4.2.2 The register will also include information such as voluntary codes of practice, agreements with other government agencies and guidelines adopted by Council.
- 4.2.3 The Legislative Requirements Register will include the following:
- 4.2.3.1 the applicable legislation, Code of Practice, Australian Standard, agreement, or guideline;
  - 4.2.3.2 the latest amendment date;
  - 4.2.3.3 the link to the website providing details of amendments and current version of requirements ;

- 4.2.3.4 WHS Management System Procedure/s referencing the particular requirement;
- 4.2.3.5 The Document Owner.

### **4.3 MONITORING LEGISLATIVE REQUIREMENTS**

- 4.3.1 To ensure that SCC has access to and references current legislation, Codes of Practice, or Australian Standard, the WHS Risk Unit maintains a number of subscriptions notifying changes and memberships to various associations.
- 4.3.2 Subscriptions include:
  - 4.3.2.1 SafeWork NSW e-bulletin
  - 4.3.2.2 Standards Australia Online
  - 4.3.2.3 Workplace Safety Australia
- 4.3.3 Memberships include:
  - 4.3.3.1 NSW Self Insurers Association
- 4.3.4 The WHS Risk Unit has access to the following websites providing legislative and other requirements:
  - 4.3.4.1 SafeWork NSW
  - 4.3.4.2 SafeWork Australia
  - 4.3.4.3 Lawlink
  - 4.3.4.4 Standards Online

### **4.4 COMMUNICATION OF CHANGES IN LEGISLATIVE REQUIREMENTS**

- 4.4.1 Mechanisms are in place for alerting new and changed legislative requirements to SCC workers. This primarily includes communication via the Committee of Safety Review (CSR) and Workplace Committees.
- 4.4.2 Where appropriate, Group Directors, Section or Unit Managers, or supervisors may be advised directly via email of any changes or updates.
- 4.4.3 The WHS Risk Unit will initiate a P04.F01 Request for Change or New Process form documenting the new or changed legislative requirements.
- 4.4.4 The P04.F01 Request for Change or New Process form will be issued to the Document Owner.
- 4.4.5 The Document Owner, in consultation with the WHS Risk Unit and workers impacted or potentially impacted by the change, will assess the relevance of the change.
- 4.4.6 If the new or changed legislative requirements are assessed as not being relevant or of no impact, the Document Owner will document this assessment on the P04.F01 Request for Change or New Process form and return it to the WHS Risk Unit.

- 4.4.7 If the new or changed legislative requirements is determined to be relevant and have an impact, the affected WHS Management System documents will be reviewed to reflect requirements. The P04.F01 Request for Change or New Process form will be completed and returned to the WHS Risk Unit.

#### **4.5 REVIEW OF WHS MANAGEMENT DOCUMENTATION**

- 4.5.1 Where changes to legislative or other requirements are assessed as being relevant to SCC’s activities, operations, products or services the Document Owner will review the documents to which the changes apply.
- 4.5.2 The review and subsequent amendments of documents will be undertaken in accordance with P04 Document Control and Safety Records, in consultation with those who may be affected by the changes.

#### **4.6 ACCESS TO LEGISLATIVE INFORMATION**

- 4.6.1 Access to current relevant WHS legislation, Australian Standards, Codes of Practice, agreements and guidelines is primarily available through electronic media from the WHS site including this document and other external internet sites.
- 4.6.2 Where electronic information is inaccessible, relevant legislative material is to be maintained in hardcopy form, and noted on the Legislative Requirements Register.
- 4.6.3 The WHS Risk Unit provides external links on the SCC WHS webpage to facilitate individuals accessing up to date legislative information. External links to sites containing relevant information include:
- 4.6.3.1 SafeWork NSW
  - 4.6.3.2 New South Wales Office of Environment and Heritage
  - 4.6.3.3 SafeWork Australia
  - 4.6.3.4 Lawlink
- 4.6.4 SCC workers will be advised of WHS legislation and the access to these requirements during the following:
- 4.6.4.1 Inductions
  - 4.6.4.2 Toolbox Meetings
  - 4.6.4.3 Refresher Training.

#### **4.7 SPECIFIC ACTIVITIES**

- 4.7.1 Any person undertaking specific activities, performing work or operating equipment which includes those activities requiring licences, certificates of competency, notification to regulatory department, registration, approval, exemption or any other type as

- required by legislation will ensure compliance with relevant legislation and associated requirements.
- 4.7.2 Training documents detail activities requiring qualification and licences.
  - 4.7.3 The following SCC procedures / guidelines detail specific requirements for these activities:
    - 4.7.3.1 Hazardous Chemicals and Dangerous Goods
    - 4.7.3.2 Plant and Equipment
    - 4.7.3.3 Asbestos
    - 4.7.3.4 Electrical
    - 4.7.3.5 Forklifts
    - 4.7.3.6 WHS Risk Management
  - 4.7.4 Legislative requirements are incorporated into the operation of SCC undertakings through the following processes:
    - 4.7.4.1 Development of WHS Management System documentation;
    - 4.7.4.2 Undertaking of risk assessments and risk control plans;
    - 4.7.4.3 Development of safe work instructions;
    - 4.7.4.4 WHS training requirements.
  - 4.7.5 SCC workers are provided with information regarding WHS related regulatory requirements, including legislation that significantly affects their role and responsibilities. This is identified via the WHS training competency profile and on-the-job training via information outlined in safe work instructions or safe work method statements.

#### **4.8 LEGISLATIVE COMPLIANCE REVIEW**

- 4.8.1 A legislative compliance review assesses SCC’s WHS management system policies, procedures, and guidelines at the desktop level, against the relevant legislation, Codes of Practice, or Australian Standards.
- 4.8.2 Legislative compliance reviews are conducted when WHS Management System documentation is reviewed, either scheduled or due to external changes, e.g. changes or introduction of legislation, Codes of Practice or Australian Standards.
- 4.8.3 Persons conducting a legislative compliance review on the WHS Management System documentation are to possess the necessary qualifications, skills and experience in the area being audited.
- 4.8.4 The revised policy, guidelines or procedures as a result of legislative compliance review are to be communicated to SCC WHS Committee(s) for consultation. This primarily includes the change or addition of legislation, Codes of Practice or Australian Standards.
- 4.8.5 Corrective actions to WHS policy or procedures to remedy non-compliance to legislative requirements will be implemented and monitored by the WHS Risk Unit Manager. These corrective actions

will be communicated to the WHS Committee and any other relevant personnel for action if required.

#### **4.9 COMPLIANCE AUDITS**

4.9.1 Compliance Audits will be conducted in accordance with P22 Safety Audit Program.

#### **5.0 REFERENCES & ASSOCIATED DOCUMENTS**

5.1 Work Health and Safety Act 2011

5.2 Work Health and Safety Regulation 2011

5.3 National Self-insurer’s Audit Tool 2014

#### **APPENDIX 1 DEFINITIONS**

<b>WHS Legislation</b>	WHS Acts and Regulations, the requirements of which are mandatory.
<b>WHS Legislative information</b>	Includes, but is not limited to, advisory and informative Codes of Practice, Australian Standards, and various WHS medical, epidemiological, scientific journals and newsletters.