



POLICY REGISTER

Work Health & Safety Management System Policy

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Glossary of Terms

AS	Australian Standards - set out safety requirements and provide guidance
Code of Practice	Practical guidance and advice on how to achieve WHS obligations
WHS Hazard	Anything which could cause injury or illness
HSC	Health & Safety Committee
HSR	Health & Safety Representative
Officer	General Manager / Senior Weeds Officer
PCBU	Person in control of a business or undertaking
PIN	Provisional Improvement Notice
Risk Management	Is the identification, assessment and elimination or control of WHS hazards
RMS	Roads & Maritime Services
Safe Work Method	Instructions that must be followed when high risk work is undertaken
Standard Safety	Practical guidance on how to meet legislative requirements in relation to work carried out.
WHS	Work Health & Safety
WHS Act	Laws made by Parliament
WHS Regulation	Provides details on how the WHS Act is complied with

Preamble

The National Work Health and Safety Act took effect on the 1st January 2012. The goal of the legislation is to create a uniform Work Health and Safety (WHS) system across Australia. All States and Territories have been requested to enact and enforce harmonised laws to create uniform safety standards. In NSW separate new legislation took effect on 1st January 2012 being known as the Work Health and Safety Act 2011. Regulations under The Act are contained within the Work Health and Safety Regulations 2011.

Under the new legislation an expanded set of duties and responsibilities have been introduced with serious penalties provided for under the new WHS laws. The following details Council's commitment to work, health and safety through its Work Health and Safety Management System.

Introduction

The overall aim of the WHS Management System is to support the achievement of the highest levels of WHS performance through systematic elimination of workplace risks. This is designed to lead to a reduction in workplace illness and injury thus minimising the human and other costs associated with workplace accidents.

The WHS Management System must be documented. It must be easily understood and accessible to those who need to read it and written in plain English.

In meeting work health and safety requirements and duties, Council must adopt a structured and systematic approach to managing the health and safety of its workers.

Under the *WHS Act 2011* the term 'worker' includes any person who works as an:

- employee;
- trainee;
- volunteer;
- outworker ;
- apprentice;
- work experience student;
- contractor or sub contractor;
- employees of a contractor or sub-contractor or
- employee of a labour hire company assigned to work for a person in control of a business or undertaking.

The WHS Management System has been developed to educate and provide an overview of WHS in the workplace in general.

The WHS Management System Annexure forms part of Council's safety management system. It contains detailed Standard Safety Procedures, Safe Work Method Statements and Forms.

Council recognises the aim is to achieve a 'no injury' workplace, with the concurrent 'win/win' for all stakeholders - whether management, workers, contractors, volunteers or visitors to our workplace.

Structure of the WHS Management System

Council has made reference to AS4804 which is the Australian Standard and New Zealand Standard for Occupational Health and Safety Management Systems, General Principles, Systems & Supporting Techniques in developing its WHS Management System.

AS4804 sets out the five main components of WHS management that are implemented into business activities to ensure all WHS issues are effectively managed.

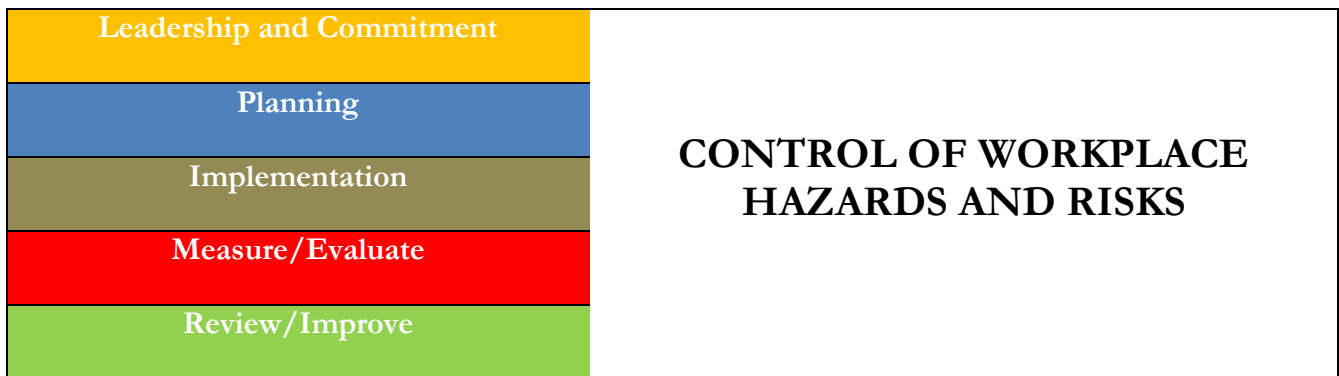
The Standard specifies requirements for a work health and safety management system that involves formulating a policy and objectives taking into account legislative requirements and information about work hazards and risks.

How to use the WHS Management System

The first five sections of the WHS Management System provide background information and advice about key components of the safety management system.

The subject heading within the Table of Contents, enable you a quick reference to further information on the subject.

The five main components of Council's WHS Management System are listed below:



A comprehensive set of Standard Safety Procedures, Safe Work Method Statements has been developed to address high risk activities. Forms are included in the Work Health and Safety Handbook as an Annexure.

The WHS Management System– Balranald Shire Council (BSC) 2017 replaces all other versions of OHS policy, procedure or safety management systems.

LEADERSHIP AND COMMITMENT

Work Health & Safety Policy

Council is committed to providing a safe work environment for all employees, contractors, volunteers and visitors. Council demonstrates leadership and its commitment to work health and safety through the development and implementation of a Work Health & Safety Policy.

The current WHS policy appears below:

Policy Objectives

Council will conduct its business in a manner that contributes to the health and well being of its workers, and ensure the safety of workers, contractors, labour hire, volunteers and the public.

Policy Statement

Council's Policy is that Council, and all employees of Council will comply with all relevant WH & S legislation, Australian Standards and industry codes of practice, in order to ensure a safe and healthy working environment.

Council will establish, implement, monitor, evaluate and maintain a work health and safety management system which is designed to achieve "best practice" standards of health and safety for workers, contractors, labour hire, volunteers and the public.

Council's Commitment

Council, the Person in Control of a Business or Undertaking (PCBU) is committed to:

- providing a safe and healthy work environment to prevent injury and illness;
- be proactive in monitoring the health, safety and welfare of all workers;
- the identification and quick resolution of health and safety issues in the workplace;
- consultation and co-operation between Council, workers and others to resolve workplace health and safety issues;
- establishing and providing resources to support Work Health and Safety Committee and Health and Safety representatives where appropriate;
- educating staff with respect to WH & S issues and training staff in safe work practices;
- providing appropriate safety equipment, clothing and protective gear to prevent accidents and injuries;
- regular inspection, auditing, reporting and monitoring the health and safety of workers who work in high risk areas;
- develop a work place based rehabilitation program to assist injured workers to return to the workforce as soon as possible after an injury or illness and
- encourage a consultative approach between all parties to improve health and safety performance.

The Council recognises and takes very seriously its duties and responsibilities under the **Work Health and Safety Act 2011 (WHS Act)** and accepts accountability for the management of the WHS programs and the resolution of health, safety and welfare issues.

LEADERSHIP AND COMMITMENT CONT'D

The Council will create and maintain an appropriate work health and safety management system in accordance with Australian Standards and legislation.

This system will be monitored to ensure its integrity and effectiveness.

Council encourages a consultative approach between all parties to improve health and safety performance.

All workers have a duty of care to protect not only their own health and safety, but also that of their fellow workers and others at their work site, and are actively encouraged to participate with management in the continual improvement of workplace standards.

This Policy will be reviewed as required to reflect changes in the organisation or Work Health and Safety legislation.

Integrating Work Health & Safety Management

To be effective health and safety must be integrated into normal business activities and becomes part of the way Council's work is normally done, that is safely. Integrating the WHS Management System with existing management systems will result in health and safety being seen as 'business as normal' rather than an adjunct to how we undertake the work of Council.

The WHS Management System will be reviewed in line with the Integrated Planning and Reporting framework and where required, more frequently in response to legislative change or changes to relevant codes and Australian Standards and management changes to policies and standard practice notes.

Legislative Framework

An Act is legislation made by Parliament. Acts often have regulation-making powers, allowing regulations to be made under them.

A regulation is law and, as such, employers, workers, insurers, designers, manufacturers, suppliers and others must meet their obligations under both the legislation and the regulations.

Work health and safety in New South Wales is regulated through the Work Health & Safety Act 2011.

The Work Health & Safety Regulation 2011 expands on the requirements of the WHS Act by providing further details on how the WHS Act is complied with.

Together, the Workers Compensation Act 1987 and the Workplace Injury Management & Workers Compensation Act 1998 establish a workplace injury management and workers compensation system that:

- assists in securing the health, safety and welfare of workers;
- provides for:
 - prompt treatment of injuries;
 - effective and proactive management of injuries;
- medical and vocational rehabilitation following injuries;
- provides injured workers and their dependants with income support during incapacity;
- creates a fair, affordable and financially viable workers compensation system and
- ensures contributions by employers are commensurate with the risks faced in their industry.

LEADERSHIP AND COMMITMENT CONT'D

Codes of Practice

Codes of practice provide practical guidance and advice on how to achieve the obligations required under the WHS Act, 2011 and Regulation.

Codes of practice are made under the WHS Act 2011 and must be approved by the relevant Government Minister before they come into effect.

A code of practice is not law, but it should be followed unless there is an alternative course of action that achieves the same or a better standard. Failure to observe a code of practice may be used as evidence in proceedings for an offence under the WHS Act.

Australian Standards

Australian Standards set out the safety requirements and provide guidance for persons working in particular areas of who deal with specific equipment.

Australian Standards only become legally binding when they are incorporated into legislation. Australian Standards considered relevant to Council's WHS Management System include:

- AS4801 – OHS Management Systems – Specification with Guidance for Use
- AS4804 – General Guidelines on Principles, Systems & Supporting Techniques
- ISO31000 – Risk Management Principles and Guidelines

Roles and Responsibilities

Council (PCBU) has a duty to ensure, so far as is reasonably practicable, the health and safety of: *(for more detailed information refer to Attachment A)*

- Workers engaged, or caused to be engaged by the person;
- 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;
- Ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out, the provision and maintenance of a work environment that is without risks to health or safety;
- The provision and maintenance of safe plant, structures and safe systems of work;
- The safe use, handling-including transport-and storage of plant, structures and substances;
- 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;
- The provision of, and access to, adequate facilities for the welfare of workers at the workplace;
- The health of workers and the conditions at the workplace are monitored for the purpose of preventing work-related illness or injury;
- Ensure a consultation process is in place, for consultation within Council and other PCBU's and
- The provision of safety equipment and PPE for the safety of the worker.

LEADERSHIP AND COMMITMENT CONT'D

There are additional duties to ensure health and safety requiring the PCBU to eliminate the risks to health and safety, so far as is reasonably practicable. If this is not possible, the PCBU must minimise those risks so far as is reasonably practicable.

General Manager (Officer) will:

- Comply with the Duties of an Officer as outlined with in the WHS Act 2011;
(for more detailed information refer to Attachment A)
- Show commitment to and leadership in all areas of work health and safety;
- Ensure the effective implementation of the WHS Management System across the entire organisation;
- Show commitment to the establishment of measurable objectives and targets to ensure continued improvement in work health and safety;
- Ensure that the WHS policy is periodically reviewed to maintain relevance and appropriateness to the organisation;
- Consult with other PCBU's, officers and workers on issues that affect their health, safety and welfare or changes to work procedures;
- Request the necessary resources from the PCBU;
- Ensure Operational Manager (Senior Weeds Officer) is responsible and accountable for the effective implementation of and performance against the WHS Management System requirements;
- Ensure workers are supplied the information, training and supervision they require and are responsible and accountable for following the requirements of the WHS Management System and
- Ensure Health and Safety Representative (HSR) (if requested by a worker) are given the required training within 3 months after the request is made.

Employees, Volunteers, Labour Hire Staff (Workers) are to:

- Comply with the Duties of a Worker as outlined with in the WHS Act 2011;
(for more detailed information refer to Attachment A)
- Report all known or observed hazards to their Manager or Supervisor (Senior Weeds Officer);
- Show commitment to all matters relating to work health and safety that affects them, other workers and others at the workplace;
- Co-operate with all reasonable WHS requirements as outlined in the WHS Management System and policies and procedures and
- Ensure their actions or inactions do not place themselves or others at risk.

Note: Under section 84 of the WHS Act a worker may cease, or refuse to carry out work if the worker has reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.

LEADERSHIP AND COMMITMENT CONT'D

Contractors and Sub-contractors will:

- Comply with the relevant Duties as outlined with in the *WHS Act* 2011;
(for more detailed information refer to Attachment A)
- Comply with the organisation's WHS policies and procedures and the Contractor and Sole Traders policies, procedures and programs and to observe directions on work health and safety from Officers of the PCBU;
- Carry out all work in compliance with the relevant *WHS Act*, relevant Australian Standards and Codes of Practice and any local government requirements;
- Participate in safety meetings, audits and inspections as required and
- Comply with the intent of this WHS Management System.

Note: Failure to comply or observe a direction will be considered a breach of the contract and sufficient grounds for termination of the contract.

Others' Visiting Council will:

- Comply with the Duties of Others' as outlined with in the *WHS Act* 2011;
(for more detailed information refer to Attachment A)
- Report all known or observed hazards to an Officer of the PCBU;
- Take reasonable care not to adversely affect the health and safety of themselves or others and
- Comply with any reasonable instruction given by an Officer of the PCBU 'so far as they are reasonably able'.

Health and Safety Representatives (HSR):

- Inspect the workplace or any area where a member of the work group works;
- Accompany an inspector during an inspection of the work area the HSR represents;
- Be present at an interview about WHS between the worker and an inspector or the business (with the worker's consent);
- Request the establishment of a Health and Safety Committee (HSC) for the business;
- Monitor measures taken by the PCBU in compliance with the *WHS Act*, or Regulations;
- Represent the work group in matters relating to WHS;
- Investigate WHS complaints made by a workers;
- Inquire into anything that appears to be a risk to the health or safety of the work group;
- May direct unsafe work to cease under certain circumstances and
- May issue Provisional Improvement Notices (PIN) but only after receiving appropriate training.

LEADERSHIP AND COMMITMENT CONT'D

Work Health and Safety Committee (HSC):

If established a Work Health and Safety Committee will:

- Comply with the duties outlined in the *WHS Act* 2011 for HSCs;
- Consist of at least half workers or their representatives and employer representatives who have the necessary authority to make decisions on WHS matters discussed in committee;
- Endeavour to reach consensus on all aspects of the organisation's WHS policy, procedures and systems through consultation;
- Evaluate, review and authorise WHS processes, procedures and tools for evaluating workplace hazards and
- Support and assist the HSRs in executing their duties.

LEADERSHIP AND COMMITMENT CONT'D

ATTACHMENT A

Part 2 of the WHS Act places health and safety duties on a number of persons, such as persons conducting a business or undertaking, officers, workers and other persons at the workplace.

Attachment A provides extracts from the WHS Act in respect to the description of persons and the health and safety duties of persons as defined under the WHS Act and the definition of the meaning of 'reasonably practicable'.

Title	Description	Health and Safety Duties
<p>PCBU Person Conducting a Business or Undertaking</p> <p>WHS Act 2011, Part 2, Division 1 to 3.</p>	<p>A PCBU includes an employer, corporation, association, partnership, sole trader and certain volunteer organisations. For example, a volunteer organisation that employs a person to carry out work is a PCBU.</p> <p>Note: a volunteer organisation that operates with volunteers and does not employ anyone is not a PCBU.</p> <p>A PCBU has the primary duty of care for workplace health and safety.</p>	<p>The person conducting a business or undertaking has a duty to ensure, so far as is reasonably practicable, the health and safety of:</p> <ul style="list-style-type: none"> • workers engaged, or caused to be engaged by the person, and • 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. <p>The person conducting a business or undertaking also has a duty to 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.</p> <p>These duties include requiring a person conducting a business or undertaking to ensure, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> • the provision and maintenance of a work environment that is without risks to health or safety ; • the provision and maintenance of safe plant, structures and safe systems of work • the safe use, handling-including transport-and storage of plant, structures and substances; • 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 • the provision of, and access to, adequate facilities for the welfare of workers at the workplace, and • the health of workers and the conditions at the workplace are monitored for the purpose of preventing work-related illness or injury. <p>There are additional duties for a person conducting a business or undertaking who:</p> <ul style="list-style-type: none"> • manages or controls workplaces or fixtures, fittings or plant at workplaces, or • designs, manufactures, imports or supplies plant, substances or structures; or installs, constructs or commissions plant or structures. <p>The duties to ensure health and safety require the person conducting a business or undertaking to eliminate the risks to health and safety, so far as is reasonably practicable. If this is not possible, the person conducting a business or undertaking must minimise those risks so far as is reasonably practicable.</p>

What does ‘reasonably practicable’ mean?

Work health and safety duties, other than duties of officers, workers and other persons at the workplace, apply so far as is ‘reasonably practicable’. ‘Reasonably practicable’ represents what can reasonably be done in the circumstances. This means that the duty holders must satisfy the duties as far as they are reasonably able to, taking into account and weighing up all relevant matters, including:

- The likelihood of the relevant hazard or risk occurring
- The degree of harm that might result from the hazard or risk
- what the person knows, or ought reasonably to know, about the hazard or risk and the ways of eliminating or minimising the risk, and
- The availability and suitability of ways to eliminate or minimise the risk.

Only after assessing these matters can the cost of eliminating or minimising the risk be taken into account, including whether the cost is grossly disproportionate to the risk.

<p>OFFICER WHS Act 2011, Part 2, division 4, section 27.</p>	<p>An officer includes: An Officer is a senior executive who makes, or participates in making, decisions that affect the whole, or a substantial part, of a business or undertaking.</p> <p>Officers have a duty to be proactive and continuously ensure that the business or undertaking complies with relevant duties and obligations</p>	<p>Officers of a person conducting a business or undertaking must exercise ‘due diligence’ to ensure that the business or undertaking complies with the health and safety duties. The definition of ‘officer’ under the Commonwealth <i>Corporations Act 2001</i> is adopted in the WHS Act. Under the WHS Act special provision is also made for ‘officers’ of public authorities including government departments.</p> <p>In exercising due diligence, an officer must take reasonable steps to:</p> <ul style="list-style-type: none"> • acquire and keep up-to-date knowledge of work health and safety matters • gain an understanding of the hazards and risks associated with the nature of the operations • ensure that the business or undertaking has appropriate resources and processes to enable risks to health and safety arising from work carried out as part of the business or undertaking to be eliminated or minimised • ensure that the business or undertaking has appropriate processes for receiving and considering information about incidents, hazards and risks and responding in a timely way, and • ensure that the business or undertaking implements processes for complying with its duties and obligations. <p>This casts a positive duty on officers to be proactive and continuously ensure that the business or undertaking complies with the relevant duties and obligations under the WHS Act.</p> <p>The scope of the officers’ duty is directly related to the influential nature of their position. A high standard requires persistent examination and care to ensure that the resources and systems of the business or undertaking are adequate to comply with the duty of care required under the WHS Act. Where the officer relies on the expertise of a manager or other person, that expertise must be verified and the reliance must be reasonable.</p>
<p>WORKER WHS Act 2011, Part 2, division 4, section 28.</p>	<p>WHS practitioners are workers. The WHS ACT adopts a broad definition of ‘worker’ to recognise the changing nature of work relationships and to ensure health and safety protection is extended to all types of workers.</p> <p>A worker is someone who carries out work for a PCBU. A worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor and contractor.</p>	<p>Workers must take reasonable care for their own health and safety while at work and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons. This duty being subject to a consideration of what is reasonable is necessarily proportionate to the control a worker is able to exercise over their work activities and work environment.</p> <p>Workers must also:</p> <ul style="list-style-type: none"> • comply, so far as they are reasonably able, with any reasonable instruction given by the person conducting a business or undertaking that allows it to comply with the WHS Act and WHS Regulations, and • co-operate with any reasonable policy or procedure of

<p>WORKER CONT'D WHS Act 2011, Part 2, division 4, section 28.</p>	<p>A sole trader who is a PCBU and carries out work for another business (PCBU) is also a worker for that PCBU.</p>	<p>the business or undertaking that relates to work health or safety, that has been notified to workers.</p> <p>Whether an instruction, policy or procedure is 'reasonable' will depend on all relevant factors, including whether the instruction, policy or procedure is lawful, whether it complies with the WHS Act and WHS Regulations, whether it is clear and whether affected workers are able to Co-operate.</p>
<p><i>Note: section 84 of the WHS Act a worker may cease, or refuse to carry out, work if the worker has reasonable concern that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or immanent exposure to a hazard.</i></p>		
<p>OTHERS WHS Act 2011, Division 4, section 29.</p>	<p>All other persons at a workplace, such as visitors or customers, have health and safety duties.</p>	<p>They have responsibilities that are similar to a worker's WHS responsibilities, notably:</p> <ul style="list-style-type: none"> • caring for their own and others' health and safety • taking reasonable care not to adversely affect the health and safety of others • complying with any reasonable instruction given by the PCBU, 'so far as they are reasonably able'. <p>Other persons who are at a workplace, for example visitors, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely effect the health and safety of others. They must comply with any reasonable instruction given by the person conducting a business or undertaking that allows it to comply with the WHS Act or WHS Regulations.</p>
<p>VOLUNTEERS WHS Act 2011, Part 2, division 4, section 28. Except when acting in the role of a PCBU. WHS Act 2011, Part 2, Division 1 to 3.</p>	<p>Volunteer means a person who is acting on a voluntary basis (irrespective of whether they receive out-of-pocket expenses)</p> <p>The WHS Act specifically protects volunteers in their capacity as a worker</p> <p>Ensures that volunteers are not discouraged from participating in community-based activities</p> <p>A 'volunteer association' (as defined) in not treated as a business or undertaking</p> <p>Note: Other requirements are in place should their be a person receiving a wage within the association, refer to the WHS Act 2011</p>	<p>The WHS Act does not apply to 'volunteer associations', that is associations that are wholly constituted by volunteers and do not have any payed employees attached to their business or undertaking.</p> <p>Volunteers in other kinds of businesses or undertakings have the same protections as other types of workers under the WHS Act. While volunteering, volunteers must comply with the same work health and safety duties as other kinds of workers.</p> <p>Volunteers in 'officer' positions must also comply with officers' duties under the WHS Act. Volunteers cannot be prosecuted for failure to comply with a health and safety duty, however you may be held liable, if you do not comply with your duties as a 'worker' or 'other'</p>

LEADERSHIP AND COMMITMENT CONT'D

WHS CONSULTATION

Under the WHS Act 2011, it is a mandatory requirement for persons conducting a business or undertaking (includes employers) to consult with workers to allow the workers to contribute to matters directly affecting their work safety.

Consultation provides an opportunity to share relevant information and participate in meaningful discussion on work health and safety matters.

Using the knowledge and experience of everyone helps to achieve safer and healthier workplaces as well as better decision making.

Meaningful consultation can lead to fewer workplace injuries and give everyone the opportunity to:

- discuss and share their health and safety concerns;
- identify safety hazards and risks;
- find and implement practical solutions;
- contribute to the decision making process and
- communicate outcomes in a timely manner.

The nature of consultation required under the WHS Act is to ensure:

- (a) that relevant information about WHS matters is shared with workers, and
- (b) that workers be given a reasonable opportunity:
 - (i) to express their views and to raise work health or safety issues in relation to the matter, and
 - (ii) to contribute to the decision-making process relating to the matter, and
- (c) that the views of workers are taken into account by the person conducting the business or undertaking (includes employers), and
- (d) that the workers consulted are advised of the outcome of the consultation in a timely manner.
- (e) If the workers are represented by a health and safety representative, the consultation must involve that representative.

Consultation is required on the following work health and safety matters:

- (a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking (includes employers);
- (b) when making decisions about ways to eliminate or minimise those risks;
- (c) when making decisions about the adequacy of facilities for the welfare of workers;
- (d) when proposing changes that may affect the health or safety of workers;
- (e) when making decisions about the procedures for:
 - (i) consulting with workers, or
 - (ii) resolving work health or safety issues at the workplace, or
 - (iii) monitoring the health of workers, or
 - (iv) monitoring the conditions at any workplace under the management or control of the person conducting the business or undertaking, or
 - (v) providing information and training for workers, or
- (f) when carrying out any other activity prescribed by the WHS Act and Regulation 2011.

LEADERSHIP AND COMMITMENT CONT'D

Requirements to consult with other persons conducting a business or undertaking

Where a PCBU (includes employers) has concurrent duties under the WHS Act with another PCBU, they must consult, Co-operate and coordinate with each other and their workers, so far as is reasonably practicable.

Flexibility in setting up consultation arrangements

The WHS Act allows some flexibility in establishing consultation arrangements to best suit the consultation needs of the workers at the workplace.

Health & Safety Representatives (HSRs) can be elected to represent various work groups and investigate health and safety issues.

A health and safety committee (HSC) can be established:

- if requested by the HSR, or
- if requested by five or more workers, or
- on the initiative of the PCBU (includes employers).

The role of the HSC is to facilitate cooperation between the PCBU (includes employers) and workers on health and safety matters as well as to develop work health and safety standards, rules and procedures.

The legislation also allows other agreed arrangements to be set up provided the arrangement is agreed to by the workers and is likely to result in better consultation and improved decision making.

Once established, consultation must be in accordance with the procedures agreed to between the PCBU (includes employers) and the workers.

Regardless of the arrangement, the obligation of the PCBU (includes employers) to consult with all workers remains.

LEADERSHIP AND COMMITMENT CONT'D

Responsibilities in regard to workplace consultation:

Officers, General Manager & Supervisor (Senior Weeds Officer)	Workers	Advisor Health & Safety (People & Performance)
<ul style="list-style-type: none"> • Consult co-ordinate and co-operate with other duty holders. • Consult with other PCBUs and workers on arrangements for WHS consultation and record these arrangements. • Publicise/display the consultation arrangements in the workplace. • Participate actively in consultation on WHS issues. • Consult with workers when purchasing and introducing new plant and technology that may affect their health and safety. • Provide Health and Safety Representatives with reasonable access to the workers they represent during working hours for the purposes of consultation. • Provide the HSR or HS Committee member with reasonable facilities such as meeting rooms, telephone, email and the internet during working hours. • Pay the HSR or HS Committee member/s who participates in consultation as if they were engaged in doing their work. • Pay for costs reasonably and necessarily incurred by a worker who participates in consultation or training for WHS consultation. • Facilitate the inclusion of another PCBU's workers (such as labour hire and contractors) in consultative mechanisms where they are working for council or on council sites or premises. • Review annually the composition of the HS Committee and location of HSRs, ensure information is up-to date, vacancies are filled and the PCBU is informed of any changes. 	<ul style="list-style-type: none"> • Take reasonable steps to prevent risks to the health and safety of themselves and other persons at work. • Notify their manager, supervisor or Health and Safety Representative of any health and safety issues that arise at work. • Contribute to the formation and functioning of WHS consultative mechanisms. • Co-operate with the PCBUs initiatives to ensure compliance with the WHS Act and Regulation 2011. 	<ul style="list-style-type: none"> • Promote WHS consultation • Provide assistance to PCBU, Officers workers, HSRs and HS Committees on resolving health and safety matters. • Attend H&S meetings. • Regularly review meeting minutes to ensure compliance with WHS Act and Regulation obligations.

Health and Safety Committee Chairperson (if established)	Health and Safety Committee member (if established)	Health and Safety Representative
<ul style="list-style-type: none"> • Perform all the functions of a HS Committee member. • Prepare the agenda. • Ensure that the meetings are held at least every three months. • Ensure that meeting minutes are recorded and distributed. • Ensure a copy of the meeting minutes are reviewed by the 	<ul style="list-style-type: none"> • Attend HS Committee meetings and review measures taken to ensure the health, safety and welfare of persons at the place of work. • Assist in the development of recording arrangements for workplace hazards and incidents. • Make recommendations on the training of HS Committee members and HSRs. 	<ul style="list-style-type: none"> • Review measures in place that ensures the health, safety and welfare of workers (for example, inspections of the workplace, giving prior notice to the PCBU, or review of procedures). • Attempt to resolve health, safety and welfare matters via the established grievance resolution process.
<p>Executive Team.</p> <ul style="list-style-type: none"> • Certify the previous minutes. • Ensure that correspondence such as reports and statements for the HS Committee is appropriately managed. • Ensure that meetings are run in an orderly fashion and that all members are given the opportunity to express their opinions and have them considered. • Keep an up-to-date list of HS Committee members and HSRs and ensure the list is communicated across the Council. • Provide a list of HSRs to Workcover NSW. 	<ul style="list-style-type: none"> • Make recommendations on the training of workers in relation to WHS. • Attempt to resolve health and safety matters via the established grievance resolution process. • Consult with the PCBU, officers and workers on any matter that relates to health and safety at the workplace. • Assist an HSR with investigations dealing with an incident, dangerous occurrence or imminent danger or risk to the health or safety a worker, where requested. 	<ul style="list-style-type: none"> • Consult with the PCBU, officer and workers on any matter that relates to health and safety at the workplace. • Conduct investigations dealing with an incident, dangerous occurrence or imminent danger or risk to the health or safety in the work group. • Accompany a WorkCover inspector during an inspection of any relevant workplace. • Accompany the investigator when a formal report is given to the PCBU. • Accompany a work group member during any interview by the PCBU on any WHS issue. • Attend training organised by Council for their role as a HSR, if requested. • Make recommendations on the training of workers in relation to WHS.

WHS PLANNING

For all of Council's functions there is a planning, budgeting, implementing and evaluation cycle. Work health and safety cuts across all the activities – internal and external- of the Council and therefore requires plans for improving the Council's WHS Management System.

Planning for the effective management of work health and safety involves four main activities:

- Reviewing operational activities and identifying specific WHS risks for control;
- Identifying legislative requirements to be complied with;
- Consultation with employees who may be affected by the risks and
- Planning to manage WHS risks.

WHS Plans

A specific WHS plan is developed based on the key WHS priorities identified for improvement through the risk assessment process within Council's internal and external operations.

Typically the WHS plan will set out:

- Specific WHS issues and problem areas;
- Action to be taken to deal with the issues;
- Resources required to implement the action and
- Deadlines.

For further information on Council's WHS Plans please refer to the BSC Work Health and Safety Handbook.

Emergency Planning

In addition to WHS plans, Council needs to plan for dealing with emergencies and unforeseen events. The *WHS Regulation 2011* states that Council has a duty to prepare, maintain and implement emergency plan/s. Chapter 3, Part 3.2, Clause 43 provides that:

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

WHS PLANNING CONT'D

- (3) For the purposes of subclauses (1) and (2) above, the person conducting the business or undertaking (includes employers) must consider 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 and
 - (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 (includes employers) must implement the emergency plan for the workplace in the event of an emergency.

For further information on Council's Emergency Plan please refer to the BSC Emergency Plan.

Monitoring WHS Plan/s

WHS plan/s are to be monitored to ensure that they are implemented effectively and remain current. Monitoring and review will be undertaken by the General Manager and Senior Weeds Officer, drawing on a number of mechanisms including reporting, audit and review.

The General Manager and Senior Weeds Officer are responsible for promoting and implementing WHS Plan/s in consultation with employees. They are also responsible for ensuring that appropriate resources, expert advice and support are made available so that the initiatives and improvements described in the WHS Plan/s can be achieved.

RISK MANAGEMENT

Risk management is the cornerstone of the *WHS Act and Regulations 2011*. The aim of risk management is to identify assess and eliminate or control WHS hazards. Chapter 3, Part 3.2, Clause 35 of the *WHS Regulations* requires that the duty holder (person conducting a business or undertaking, includes employers):

- (a) eliminate risks to health and safety so far as is reasonably practicable, and
- (b) if it is not reasonably practicable to eliminate risks to health and safety—minimise those risks so far as is reasonably practicable.

Hazard Identification

A hazard is anything which could cause injury or illness. The things people work with or the way they work could be hazardous. For example using a keyboard, lifting, bending or working with chemicals could be hazardous. But more subtle health or environmental issues such as workplace violence and stress can also be hazards.

Council must also identify specific known hazards such as asbestos or biological organisms. Hazard Identification and elimination is not only the responsibility of the person in control of a business or undertaking (includes employers) in providing a safe workplace, but also requires officers and worker involvement and commitment. As such, hazard identification, assessment and control shall be an ongoing process for all. It is the responsibility of everyone (management, supervisors, contractors, labour hire, volunteers, all workers) to identify, assess and control where possible, all hazards.

WHS PLANNING CONT'D

When controlling risks for certain hazards, the person in control of a business or undertaking (includes employers) must comply with the specific risk controls addressed in regulations, codes, and/or standards e.g. Confined Spaces, Traffic Control, Safe Work Method Statements or Safe Operating Procedures.

Risk Assessment

Various hazards exist across Council's areas of operation. However, not all of these pose a risk of harm.

Council assesses the risk associated with each hazard in terms of both the likelihood and consequence of harm resulting. Those identified as posing a risk of harm are prioritised and corrective action planned in a rigorous and systematic way.

It is also important for Council to try to anticipate hazardous situations in the assessment of new work programs, practices, equipment, facilities and the like.

Safe Work Australia's "How to Manage WHS Risks", Code of Practice is based on 4 easy steps:

1. **identify hazards** – find out what could cause harm
2. **assess risks** if necessary – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening
3. **control risks** – implement the most effective control measure that is reasonably practicable in the circumstances, and
4. **review control measures** to ensure they are working as planned.



Figure 1

Note: A risk assessment is mandatory under the WHS Regulations 2011 for high risk activities such as entry into confined spaces, diving work and live electrical work.

WHS PLANNING CONT'D

Identify the Hazard/s

Using the Hazard Report/Risk Assessment checklists, supervisors, along with workers, are required to walk around the workplace and look at what could be reasonably expected to cause harm or damage. Concentrate on the hazards that may result in serious harm to people or damage to property. The work team should be encouraged to discuss any work activity that they consider may be hazardous.

Assess the risk

It may be determined that the same hazard could lead to several different possible outcomes. Judging how likely it is that something will happen is like predicting the future. So for each hazard a judgement will be made about how likely each possible outcome is and record the highest priority.

The Risk Matrix table shown below will help identify a priority number (risk rating) for each hazard. The numbers show how important it is to do something:

1. It is extremely important to do something about this hazard as soon as possible
6. This hazard may not need immediate attention, but work must be monitored.

Possible solutions to the problem will be recorded using the risk assessment form, toolbox meeting sheet and/or site induction form.

WHS PLANNING CONT'D

Risk Matrix

		<i>How likely is it to happen?</i>			
		1	2	3	4
What is the consequence likely to be?		Very likely: Could happen at any time	Likely: Could happen some time	Unlikely: Could happen, but very rarely	Very unlikely: Could happen, but probably never will
1	Kill or cause permanent disability or ill health	1	1	2	3
2	Kill or cause permanent disability or ill health	1	2	3	4
3	Medical attention and several days off work	2	3	4	5
4	First aid needed	3	4	5	6

Risk Matrix Key

1	Catastrophic	Severe Risk	Must be rectified immediately. Highest of all priority
2	Extreme	Very High Risk	Requires urgent attention for quick resolution
3	Major	High Risk	Receive attention as soon as possible.
4	Moderate	Considerable Risk	Receive attention as soon as possible
5	Minor	Low Risk	Address risk when possible for eventual resolution
6	Insignificant	Very Low Risk	Minor issue for monitoring.

WHS PLANNING CONT'D

Risk Matrix Criteria

Catastrophic	Death of a staff member related to a work incident Death of a visitor at a worksite of Council asset Loss of assets due to damage, fire, storm in excess of \$1,000,000 Fire or explosion causing death and total destruction
Extreme	Serious injury to staff member requiring hospitalisation Serious injury to a visitor requiring hospitalisation Loss of up of assets up to \$500,000
Major	Serious injury to staff member or visitor requiring medical treatment and time off work Loss of assets up to \$100,000 Fire or explosion requiring full evacuation
Moderate	Lost time injury for staff member or visitor and treatment not requiring hospitalisation Loss of assets, replacement value due to damage, fire up to \$100,000 Fire or explosion requiring evacuation
Minor	First aid treatment only with no lost time or restricted duties Treatment of visitor with no on-going expenses Loss of assets up to \$25,000
Insignificant	Injury to persons not considered. No treatment required (or treatment refused) for injury to staff member or visitor Loss of asset not considered.

Likelihood Table

Probability Categories	Definition
Very likely: could happen at any time	Is expected to occur.
Likely: could happen some time	Will probably occur in most circumstances
Unlikely: could happen, but very rarely	Possibly could occur at some time
Very unlikely: could happen, but probably never will	Could occur at some time but is highly unlikely

Control the hazard/s

Once the hazards are identified they must be controlled or rectified. The Hierarchy of Controls deals with hazards in order of effectiveness. The best way is to eliminate the hazard completely. If this is impossible, consider the next way, then the next, until the solution is identified. Using personal protective equipment (PPE) is the least effective way to deal with hazards.

WHS PLANNING CONT'D

Hierarchy of Risk Control

The ways of controlling risk are ranked from the highest level of protection and reliability to the lowest as shown below. This risk ranking is known as the hierarchy of risk control. The WHS Regulation requires duty holders to work through this hierarchy when managing risk under the WHS Regulation.

Council applies a hierarchical process when controlling hazards and the hierarchy of controls and some examples (though not all) is set out in the table below:

Hierarchy	Control	Examples
1	Elimination	Removing asbestos. Using electronic funds transfer to eliminate cash handling Ergonomically designing workstations
2	Substitution	Replacing a noisy piece of equipment with a less noisy one Substituting 40kg bags (too heavy to lift manually) with 20 kg bags (reduce risk of manual handling injuries)
3	Isolation	Electric swipe cards to reduce risk of unauthorised entry into work areas Locate a noisy photocopier or noisy machine in a separate room Providing abrasive blasting chambers
4	Engineering	Fitting a guard to a piece of machinery with moving parts Ventilation for hazardous substances Fitting a muffler or acoustic shield to noisy equipment
5	Administration	Minimise cash kept in customer service areas Pause breaks for keyboarding staff Safe work procedures
6	Personal Protective Equipment (PPE)	Goggles and safety glasses Ear plugs and muffs High visibility shirts, long pants, hats, hard hats, safety boots Sharps handling equipment

A combination of the controls set out in this procedure may be used to minimise risks, so far as is reasonably practicable, if a single control is not sufficient for the purpose, i.e. entering a confined space control measures are *engineering* – ventilation, *administrative* – safe work method statement and *PPE* – respirator).

General Workplace Risk Assessments

Workers are required to examine the workplace as a whole. The assessments are done at the start of the work activity/work day and will take into consideration not only worker WHS issues but also public liability exposures e.g. worker safety issues when spraying with chemicals and the public liability issues for the public when spraying in public places, if it was not at appropriate times and weather conditions.

WHS PLANNING CONT'D

Maintenance of Control Measures

To enable Council to recognise as many potential risks in the workplace, workers are required to assess the level of risks that are in the workplace, this will allow Council to determine a strategy to ensure that the risk of injury and / or illness is addressed. Risk Assessment will be addressed in two ways, prior to the work being done and through general workplace assessments.

A duty holder who implements a control measure to minimise risks to health and safety must ensure that the control measure is recorded, are maintained so that it remains in place and effective, by ensuring that the control measure is and remains:

- a) fit for purpose;
- b) suitable for the nature and duration of the work;
- c) installed, set up and used correctly;

Review of Control Measures

Council must review and as necessary revise control measures implemented under this procedure so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.

INFORMATION, INSTRUCTION AND TRAINING

Many accidents at the workplace occur because workers are unfamiliar with the task they are undertaking. By providing workers with appropriate information, instruction, training and supervision Council can promote a positive WHS culture and reduce the incidence and severity of injuries.

The *WHS Act 2011* at Section 19 requires that the person in control of a business or undertaking (includes employers) is responsible for 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 The *WHS Regulation 2011* requires that a person in control of a business of undertaking (includes employers) must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to:

- a) the nature of the work carried out by the worker, and
- b) the nature of the risks associated with the work at the time the information, training or instruction is provided, and
- c) the control measures implemented.

Training for health and safety representatives

Section 72 (1) of the WHS Act provides that a health and safety representative is entitled to attend the following courses of training in work health and safety:

- a) an initial course of training of 5 days
- b) 1 day's refresher training each year, with the entitlement to the first refresher training commencing 1 year after the initial training.

In developing or reviewing work procedures, managers and supervisors must consider the hazards associated with particular tasks and include appropriate control measures. Analysing job tasks will be essential in the development of new work procedures.

WHS PLANNING CONT'D

When existing work procedures are being reviewed, injury and claims figures will point to problem areas where procedures may need to be changed. In following this process safer work procedures should directly flow from the risk management processes undertaken across Council.

To ensure workers are competent to carry out the required tasks and responsibilities of their jobs corporate induction training and workplace level induction training is provided. In addition and through Council's Training Plan mandatory, compliance based work health and safety training is scheduled and delivered.

Induction Training

Council provides induction training for all new workers joining the organisation. Induction training provides an opportunity to promote the Council's commitment to WHS and to foster a positive WHS culture. Effective induction training encourages new workers to contribute to this culture for example, by participating in hazard identification and risk assessment. Induction training also provides information to new workers about Council's WHS policies and procedures and the consultative processes for WHS, covering topics including:

- WHS policies and lines of responsibility;
- Hazard reporting;
- Incident reporting;
- Location of first aid kits;
- Emergency procedures and
- Consultation arrangements

Workplace Level Induction

Instruction in safe work practices should be given before work commences and will need to be backed up with effective on-the-job supervision. Workers should not be allowed to perform potentially hazardous tasks until they have been trained to do them safely.

Comprehensive workplace level induction for all new workers is the responsibility of the relevant supervisor. The supervisor will provide information, instruction and training on all aspects of the job that will include information about safety procedures, safe work method statements and safety forms to be followed and used by the worker on the job.

Training Records

To assist in monitoring WHS performance, Council keeps records of the WHS training undertaken with details such as content, who received the training and the dates. The records are kept centrally on Council's electronic records management system.

IMPLEMENTATION – INCIDENTS AND CLAIMS

The objective of successfully implementing a WHS management system is the systematic management of hazards; identifying them, assessing risks and selecting suitable control measures. Regular testing and maintenance of those controls is necessary to ensure they remain effective and for compliance.

Accident/Incident/Injury Reporting and Investigation

Introduction

Set out below is the procedure/s to be followed in the response, reporting and investigation of incidents involving Council operations at any Council workplace.

The *WHS Act 2011* requires that a person conducting a business or undertaking (includes employers) must notify the regulator of any notifiable incidents that arise out of the conduct of the business or undertaking.

The primary purpose of incident notification is to enable the regulator to investigate serious incidences and potential contraventions of the model WHS Act as soon as possible.

In the event of a notifiable incident, it is the responsibility of the person with management or control of the workplace to ensure, so far as is reasonably practicable, that the site is not disturbed until an inspector arrives or otherwise directs.

Scope

What is a *serious incident*?

A *serious incident* means:

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

What is a *serious injury or illness*?

The *WHS Act 2011* and the *Safety in Recreational Water Activities Act 2011* set out that a serious injury or illness of a person is:

- an injury or illness requiring the person to have:
 - ✓ immediate treatment as an in-patient in a hospital;
 - ✓ immediate treatment for:
 - the amputation of any part of his or her body
 - a serious head injury
 - a serious eye injury
 - a serious burn
 - the separation of his or her skin from an underlying tissue (such as de-gloving or scalping)
 - a spinal injury
 - the loss of a bodily function
 - serious lacerations; or
 - ✓ medical treatment (treatment by a doctor) within 48 hours of exposure to a substance

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

- any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work:
 - with micro-organisms; or
 - involves providing treatment or care to a person;
 - involves contact with human blood or body substances; or
 - involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.
- the following occupational zoonoses (infections known to infect both humans and lower invertebrate animals) contracted in the course of work involving the handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products:
 - Q fever
 - Anthrax
 - Leptospirosis
 - Brucellosis
 - Hendra virus
 - Avian influenza
 - Psittacosis.

What is a *dangerous incident*?

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;

Procedure

This accident / incident procedure applies to all Council workers (as defined in the *WHS Act 2011*) contractors and sub-contractors must adhere to these requirements as a minimum when working at any Council controlled workplace when Council is the Principal Contractor as described in Regulation 293 of the *WHS Regulation 2011*.

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

This procedure details the methods for;

- responding to,
- reporting,
- investigating incidents, and
- implementing corrective and preventative actions to remedy the effects of incidents.

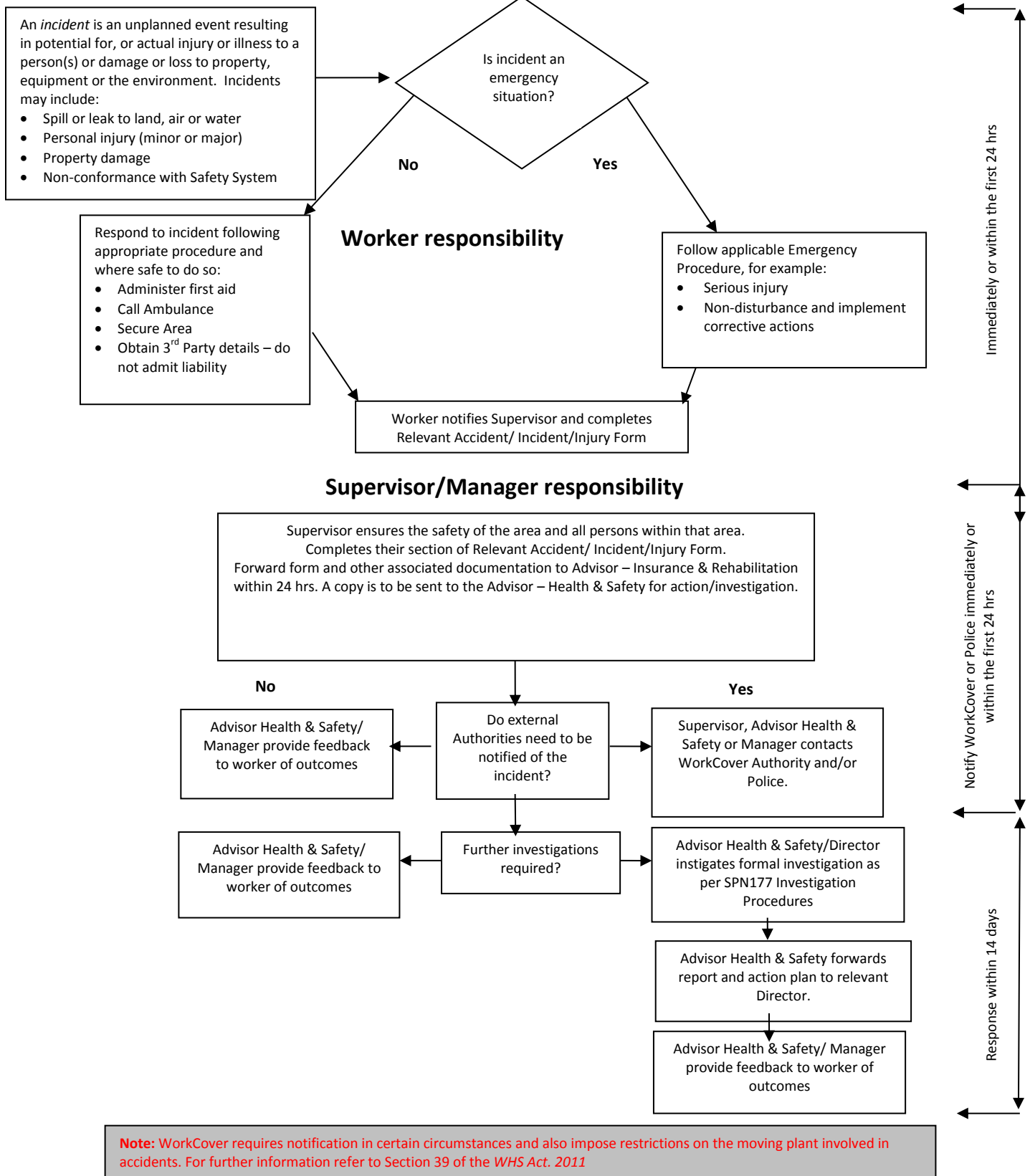
Record of the incident

The person conducting a business of undertaking (includes employers) must keep a record of each serious incident for at least five (5) years from the date notified to regulator.

An Accident/Incident response and reporting procedure flow chart follows on the next page.

Flowchart

Accident/Incident Response and Reporting Procedure



Note: Debriefings and/or Feedback if implemented must be in accordance with SPN 014

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

Incident reporting

All incidents must be reported. Every person who carries out work for or on behalf of Council is responsible for this.

The forms used for reporting the above are listed below and can be located on the Council's internal records management system (WH & Safety Management folder)

- Accident/Incident/Injury Report Form
- Vehicle/Plant and Property Damage Report Form

Accident/Incident/Injury Report Forms

Safety incidents are any incidents which involve a potential (near miss) or actual personal injury, abuse or property damage.

The forms are filled out by workers and supervisors and record all accidents, incidents and near misses. These forms are available at all Council workplaces. It is the supervisor's responsibility to ensure accidents, incidents and injury report forms are completed accurately and quickly and a copy forwarded to the People & Performance Section.

System Problem / Improvement

System problem and/or improvements allow for the identification of WHS system failures so that improvements can be made to the system. Workers can address system failures and/or improvements through the Health & Safety Representative (where appointed) or the supervisor (Senior Weeds Officer).

Accident/Incident Investigations

Accidents, incidents or near misses should be investigated as soon as possible after they occur. SPN177 Investigation Procedures will be implemented for the purposes of accident and incident investigations. Sufficient authority will be granted to the investigating officer/s to ensure the proximate cause and corrective actions are identified. Investigations will be fully documented and retained.

The Senior Weeds Officer has the responsibility to authorise, develop and resource any required actions resulting from an investigation.

The main stages of a safety investigation will include:

1. Gathering objective information and establishing the facts. Data collected will relate to machine, environment and human factors, such as;
 - hazard identification,
 - hazard / risk assessment and controls,
 - sequence of events – including time, date, location, witnesses,
 - operating procedures,
 - training,
 - induction,
 - supervision,
 - emergency arrangements.

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

2. Isolating the contributory factors. Incidents may be multi-causal and there may be many interactions between causal factors.
3. Determine corrective and preventive actions. The Investigation Report will include recommendations to eliminate or modify the contributory factors that either led to the incident or affected the consequence of the outcomes.
4. Investigation Report. The report should contain a proposed action plan for management consideration and implementation.

Investigation Team

Safety investigations will generally be conducted by the Advisor Health & Safety (Senior Weeds Officer) and may involve a Health & Safety Representative (where appointed).

For the investigation of high risk or complex incidents, consideration will be given to including the following people:

- a person with technical knowledge of the work from another work group or company,
- a person from outside the operational area in which the incident occurred.

Hazard Alert Notice

Where an incident results in further investigation, it may be necessary for a Hazard Alert Notice to be prepared. The Advisor Health & Safety (Senior Weeds Officer) will prepare and record Hazard Alert Notices as required.

These notices will be displayed on notice boards and discussed with workers at toolbox talks to raise awareness of issues and prevent a recurrence of incidents.

Non-conformance Resulting in Disciplinary Action

Following the investigation of an incident where non-conformance with Council's WHS Management System, safety procedures or processes, either deliberate or accidental, is proven, the delegate will be responsible for determining if disciplinary action is required.

Corrective and Preventative Actions

Corrective and preventative actions shall be determined in consultation with the worker reporting the incident, where appropriate. The General Manager will be responsible for implementing corrective or preventative actions.

Monitoring of Incidents and Improvements

The Senior Weeds Officer is responsible for generating statistical information on incident data. A quarterly report for the General Manager will be prepared addressing the following:

- occurrence and recurrence of incidents (Senior Weeds Officer)
- types of incidents (Senior Weeds Officer)
- workers involved (Senior Weeds Officer)
- functions / tasks involved (Senior Weeds Officer)
- identification of improvements (Senior Weeds Officer)
- success and suitability of corrective and preventative actions (Senior Weeds Officer)
- average time frames for carrying out these actions (Senior Weeds Officer)
- areas for improvement (Senior Weeds Officer)

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

Notification of Incident to External Authorities

The Senior Weeds Officer, where an incident has occurred, will be responsible for notifying the applicable external authorities (i.e. Essential Energy for power damage, Telstra for cable damage, or Advisor Insurance & Rehabilitation for worker injuries).

The exception to this rule is when an incident requires Council to notify WorkCover.

The Advisor Health & Safety (Senior Weeds Officer) will normally notify WorkCover as required under the *WHS Act* 2011.

Serious incidents – How to Notify

A serious incident means:

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

Notification must be made through the best possible means available such as by telephone or by completing and submitting an Accident/Incident/Injury report form by facsimile, or by forwarding a PDF copy of the same form via email.

All sections of Council should be aware of the arrangements to report accidents, incidents and/or injuries outside of normal business working hours.

1. A person giving notice by telephone must:
 - a. give the details of the accident/incident requested by the regulator; and
 - b. if required by the regulator, give a written notice of the accident/incident within 48 hours of that requirement being made.
2. A written notice must be in a form, or contain the details, approved by the regulator.
3. 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 (includes employers):
 - a. details of the information received; or
 - b. an acknowledgement of receiving the notice.
4. A person conducting a business or undertaking (includes employers) must keep a record of each serious incident for at least 5 years from the day that notice of the incident is given to the regulator under this section.

Duty to preserve sites

- (1) The person with management or control of a workplace at which a serious incident has occurred must ensure so far as is reasonably practicable, that the site where the incident occurred is not disturbed until a WorkCover Inspector arrives at the site or an Inspector directs that it does not need to be preserved.
- (2) In point (1) above, a reference to a site includes any plant, substance, structure or thing associated with the serious incident.

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

- (3) Point (1) above 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.

Department of Mineral Resources – Quarry Incidents

NSW Minerals Industry is currently regulated through the following NSW Government Acts and Regulations which are:

- *WHS Act 2011*
- *WHS Regulation 2011*

Note: This requires that Council Quarries comply with this procedure.

Attachments

Attachment 1 – Vehicle/Plant and Property Incident Procedure
Attachment 2 – Serious Incident Table

Attachment 1 – Vehicle/Plant and Property Incident Procedure

VEHICLE / PLANT & PROPERTY Incident Procedure

Should any of Council's vehicles or plant be involved in an incident, the driver concerned must do the following;

1. DO NOT admit or accept liability under any circumstances.
2. Insist on Police being called where -
 - a. Death / injury.
 - b. Other driver fails to stop.
 - c. You suspect alcohol / drugs involved.
 - d. Either vehicle has to be towed away.
 - e. Police attending accident scene must fill out Collision Report Forms.
3. Fill out a Vehicle/Plant & Property Incident Report (forms are available on Council's electronic management system – WH & S Folder)
4. Provide other party with your licence details and Council's name, address and telephone no.
5. Obtain names and addresses of all persons injured.
6. Make note of damage to other vehicle.
7. Obtain names, addresses and telephone numbers of any witnesses.
8. If the Council vehicle is **not roadworthy** and requires towing, contact the Senior Weeds Officer to arrange towing. Advise your Supervisor of the status of the vehicle / plant at this time.
9. If the Council vehicle is still **roadworthy**, take the vehicle to Balranald Council Workshop immediately and report to the Workshop Supervisor, so they can determine method of repair and estimate cost for insurance.

EMERGENCY NUMBER

All after hours

Police	000
Ambulance / Fire	000
Balranald Workshop on-call	0412 406 062
Advisor Health & Safety	Office: 6770 3602
(Senior Weeds Officer)	Mob: 0428 211 314

Serious Incident Notification – changes between current and new legislation			
Types of incidents	Must notify under current legislation	Continue to notify under new legislation (2012)	Additional incidents to notify under new legislation (2012)
Death	✓	✓	
Amputation	✓	✓	
Electric shock	✓	✓	
Burn injury	✓	✓	
Implosion, explosion or fire	✓	✓	
Escape of gas, steam	✓	✓	
Structure collapse	✓	✓	
Ventilation underground	✓	✓	
Exposure to bodily fluids re blood borne diseases	✓	✓	
Major damage to any plant, equipment	✓	✓	
Entrapment	✓	No	
Lead risk work	✓	No	
Violence at work – more than 7 days off work	✓	No	
An injury or illness – more than 7 days off work	✓	No	
Loss of consciousness of a person caused by impact of physical force, exposure to hazardous substances, building or structure	✓	No	
Person on a life-support system	✓	No	
Person in hospital			✓
Serious head, eye			✓
Degloving			✓
Scalping			✓
Spinal injury			✓
Serious lacerations			✓
Escape, spillage or leakage of a substance			✓
Plant falls from height			✓
Inrush of water, mud or gas			✓

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

Workers Compensation and Injury Management

This section has been written to provide an outline of the legislation governing workers compensation and injury management.

In New South Wales, the workers compensation system is a statutory, no-fault system of compensation for work-related injuries.

The NSW *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* set out the rights and obligations of insurers, employers and workers with regard to workers compensation and injury management. Together with the *Workplace Injury Management and Workers Compensation Regulation 2002*, they constitute a scheme for the management of work-related injuries in NSW.

A work-related injury can either be physical or psychological. A person's employment must be a significant contributing factor for them to be entitled to make a claim under the scheme. Generally, the scheme also covers injuries that happen on the way to work or to work-related educational institutions, or on the way home.

An important feature of the laws of NSW in regard to workers compensation, is the requirement that efforts to communicate with injured workers and the worker's doctor are to be made within three days of the insurer being notified of a significant injury (the worker will be away from work for more than seven days). Council at the same time must identify any suitable replacement duties which would facilitate the worker's early and safe return to work.

The emphasis of the workers compensation laws of NSW is on:

- Early notification
- Prompt management of workers' injuries
- Early contact between the employer and the worker to ensure an early return to work
- Certainty of income support for the injured worker
- Timely and sound decision-making by the insurer, employer, worker, nominated doctor and Advisor Insurance & Rehabilitation
- A reduction in the number of disputes
- Resolving any disputes promptly

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

Notifying Injury and processing claims

Initial Notification

Under Section 44 of the *Workplace Injury Management and Workers Compensation Act 1998* workers are encouraged to notify employers of injuries as soon as they can. In addition, Council must provide its insurer (StateCover) with specific information about the worker, the injury and the doctor, within 48 hours of becoming aware of the worker suffering a significant injury.

This initial notification can be made electronically, in writing or verbally by the Advisor Insurance & Rehabilitation, the worker or someone representing them.

Once this information has been provided, StateCover must obtain from relevant sources, any more information needed to confirm that the injury is work related. In circumstances in which the worker is likely to be away from work for more than seven days (a significant injury) the insurer must start injury management immediately and decide whether to start the weekly payment of compensation on a provisional basis.

WorkCover will also need to be notified of an injury/illness if the worker is away for seven continuous days or more.

Provisional Liability

With provisional liability, StateCover can make weekly payments for up to twelve weeks and pay medical expenses of up to \$5000 without admitting liability and before liability for the claim is formally determined.

Under Section 267 of the Act, StateCover is to begin paying weekly benefits within seven days of the initial notification, unless there is a reasonable excuse why this should not happen. Under Sections 50 and 280 of the Act, StateCover must also decide whether to approve the payment of medical expenses either on a provisional basis or as part of an injury management plan.

Should StateCover decide not to accept provisional liability they must notify the worker (and Council) and provide details of the reasonable excuse.

WorkCover Medical Certificates

The current WorkCover medical certificate covers the basic medical details needed by Council and StateCover. On the basis of the information on the certificate, StateCover decides whether to begin weekly payments and determines the period of provisional liability.

The nominated doctor plays an important part in the return to work process. Effective communication with the doctor is critical to getting an injured worker back to work as early as possible.

IMPLEMENTATION – INCIDENTS AND CLAIMS CONT'D

Common Law

Injured workers in NSW continue to have the right to sue at common law. Under Section 151 of the *Workers Compensation Act 1987*, workers must prove negligence by the employer and that their injury has led to permanent impairment of 15% or more. Common law covers loss of wages only, as claims for pain and suffering or damages are now considered only under Section 66 and 67 of the *Workers Compensation Act 1987*.

A table providing a summary of the obligations of insurers, employers and workers is provided in the table below.

Summary of obligations of insurers, employers and workers.

Obligations of Insurers	Obligations of employers	Obligations of workers
Within 7 days of being notified of the injury, either approval provisional liability and begin payment weekly workers compensation benefits and/or medical expenses to the injured worker, or	Notify StateCover within 48 hours of becoming aware that a worker has sustained a significant workplace injury.	Notify Council of an injury as soon as possible.
Advise the worker if there is a reasonable excuse not to commence weekly payments and/or pay medical expenses.	Notify the insurer within 7 days of becoming aware that the worker has received an injury that does not seem to be a significant injury.	Enter the details of the injury in the Register of Injuries.
Develop an injury management program within 3 working days of being notified of an injury which is expected to last more than 7 days; ensure the worker and employer are aware of their obligations in the program.	Forward claims for compensation and any other related documentation to StateCover within 7 days of receipt.	Consult a doctor to arrange treatment and get a WorkCover medical certificate.
Decide whether to accept or deny a claim for workers compensation within 21 days.	Co-operate in the establishment of an injury management plan for an injured worker.	Authorise the doctor to provide relevant information to StateCover and Council.
	Provide suitable replacement duties for injured workers wherever possible.	Co-operate in the establishment of an injury management plan and meet its provisions.
	Establish a return to work plan for the injured worker consistent with StateCover's injury management plan.	Make all reasonable efforts to return to work as soon as possible.
	Stay in touch with the injured worker and the treating doctor until the worker recovers and returns to the duties they were performing before the injury.	
	Reach agreement with the employee and their union on the return to work program.	

MEASURE AND EVALUATE

Work Health & Safety Audits

Safety audits enable work hazards and WHS Management System failures to be identified and evaluated. Auditing is a systematic and documented process for obtaining evidence and evaluating it objectively to determine the extent to which policies, procedures, practices and other safety requirements and obligations are filled.

A comprehensive audit may take several hours or even days, depending on the workplace and its systems. The results of the safety audits are documented and reported to the General Manager/Senior Weeds Officer for action. Preventative/corrective action plans are subsequently developed.

Council's WHS audits record the current status and level of compliance with Council's safety management system, policies, procedures practices and other safety requirements. Additionally, audits are used to evaluate progress in respect of the overall implementation of WHS management system requirements.

The Safety Audit includes a review of the work health and safety policies and procedures and assessment of the implementation of those policies and procedures.

The Online Audit Tool developed by Workplace Safety Australia will be the tool used across Council to assess compliance with the WHS safety management system and other safety requirements and obligations. This tool is fully compliant with AS4801 – WHS Safety Management Systems and will become the driver of sound WHS practices within Council.

The Advisor Health & Safety (Senior Weeds Officer) will normally conduct WHS audits.

Planning audits

Periodic audits are scheduled at regular intervals and may include inspections of specific hazards e.g. buildings and grounds, construction sites, hazardous substances, tools, ergonomics and documented procedures.

Additional audits are made at irregular intervals and are usually unannounced e.g. emergency procedures, confined space entry compliance, traffic control compliance.

Corrective and Preventative Action

Following the completion of the audit all findings will be analysed and reviewed to allow corrective and/or preventative and/or corrective action to be planned and implemented. An action planning meeting will be held with the Auditor and the appropriate managers/supervisors from the audited work area.

Corrective action will be taken within a given time frame after the event to correct any problems and to ensure that a repetition does not occur.

Preventative action is pro-active and involves taking steps before an incident or accident occurs.

MEASURE AND EVALUATE CONT'D

The General Manager / Senior Weeds Officer will ensure that the preventative and/or corrective actions will be implemented and that there is a systematic follow-up to review the effectiveness.

Safety Inspections

Safety inspections are a key process for identifying existing and potential physical and other hazards, determine underlying causes of hazards, monitor hazard controls and recommend corrective action to eliminate them from the workplace or put control measures in place before they cause an accident or injury.

Safety inspections will be carried out by a competent person and may include workers, team leaders, supervisors, managers, HSRs, Advisor Health & Safety and the frequency of safety inspections will be done depending on the risks in the particular workplace and the nature of the work. Areas that involve high risk activities will require more frequent safety inspections. Following the completion of the safety inspection all findings will be analysed and reviewed to allow corrective and preventative action to be planned and implemented.

Where a safety inspection reveals breaches of the WHS Management System the officer responsible for the inspection may, should he/she feel it necessary, complete a workplace compliance report form and leave it with the site supervisor for corrective action. A copy of the safety inspection must be provided to the Advisor Health & Safety (Senior Weeds Officer). The Compliance Report form can be found in the Annexure Section of the WHS Management System under 'Forms'.

REVIEW AND IMPROVE

Review of the WHS Management System

Through active and reactive monitoring Council is able to identify weaknesses in the control of workplace risks and determine remedial action. Remedial action should be incorporated into planning processes to ensure continuous improvement in WHS performance.

To be effective an annual review of the WHS Management System will be conducted to ensure its continuing suitability and effectiveness in meeting Council's WHS policy and objectives.

The review will cover the key elements of the WHS Management System and will include:

- WHS policy
- Objectives, targets and actions contained in the WHS Plan/s
- Implementation and effectiveness of risk and injury management processes through ongoing measurement and evaluation.

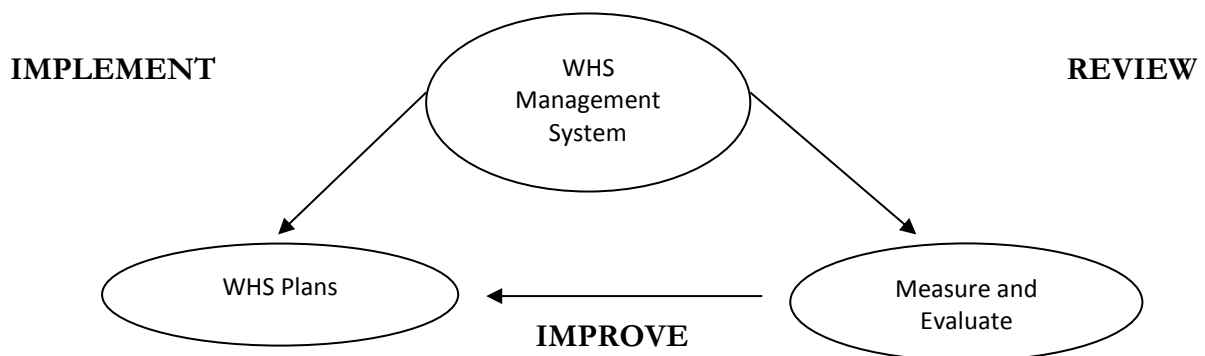
To be effective, the annual review will also consider:

- Changes in legislation
- Changing expectations and requirements of Council's divisions and sections
- Changes to the structure of the Council
- Feedback from employees, managers, supervisors and executives.

A report will be provided to the General Manager following the review of the WHS Management System with recommendations for remedial action and changes.

Where changes are to be made to the WHS Management System, the Senior Weed Officer and all other workers and other relevant parties affected by the changes will be advised.

WHS Improvement Cycle



REVIEW AND IMPROVE CONT'D

Continuous Improvement

The concept of continuous improvement is an important element of the Council's WHS Management System.

Improvement will be achieved by evaluating the performance of the organisation against Council's WHS policies, procedures, work practices, objectives and targets, providing regular awareness and compliance training and advice and support and by implementing remedial and/or corrective action resulting from audits and inspections.

Effective WHS management is a challenge that requires constant vigilance by all workers, but particularly by senior management staff who are responsible for ensuring the work health and safety of workers and others who visit or work for Council.