

Workplace Health and Safety Queensland

Model Work Health and Safety (WHS) Regulations

October 2011

Work Health and Safety Act 2011

- *Work Health and Safety Act 2011* passed by Parliament to commence 1 January 2012
- The new Act:
 - Repeals the *Workplace Health and Safety Act 1995*
 - Ensures the *Electrical Safety Act 2002* is consistent with the national model WHS Act; and
 - Regulates dangerous goods and major hazards facilities and repeals the *Dangerous Goods Safety Management Act 2001*.

Transitional provisions

- Nationally agreed transitional principles were developed for transition to the new system
- No “grace period” after commencement
- Transitional provisions cover all matters from:
 - Prosecutions
 - appointment of health and safety representatives
 - notices issued before the repeal

Understanding the WHS Act 2011

The WHS Act 2011 will be complemented by:

- Explanatory memorandum (available now)
- Interpretative guidelines
 - Reasonably practicable
 - Person conducting a business or undertaking
 - Officers and due diligence
 - Discriminatory conduct
- Fact sheets
- National compliance and enforcement policy

Model WHS regulations

- Developed and based on:
 - matters broadly common to all jurisdictions regulations
 - existing national standards and codes of practice
 - policy decisions made by SIG-OHS in accordance with guidelines in the Intergovernmental agreement
- Safe Work Australia received over 1300 submissions
- Submissions were reviewed through a tripartite process managed by Safe Work Australia
- Sign-off by Workplace Relations Ministers – August 2011

Model WHS regulations

- A mix of outcomes focused with prescription in areas of high risk e.g. diving, confined spaces
- This means some details on risks and control measures in the Queensland regulations will be covered in the model codes of practice instead

Structure of Model WHS Regulations

Ch 1 – Preliminary

Ch 2 – Representation and participation

Ch 3 – General risk and workplace management

- Managing risks
- General workplace management

Ch 4 – Hazardous work

- Noise
- Hazardous manual tasks
- Confined spaces
- Falls
- High risk work
- Electrical safety
- Diving work

Ch 5 – Plant and structures

Ch 6 – Construction work

Ch 7 – Hazardous chemicals

- Hazardous chemicals
- Lead

Ch 8 – Asbestos

Ch 9 – Major hazard facilities

Ch 10 – Mines (not included in WHS reg)

Ch 11 – General

- Review of decisions
- Exemptions and miscellaneous

Codes of practice

- Admissible in a court as evidence
- Evidence of what is known about a particular hazard or risk, risk assessment or risk control
- Can be relied on in determining what is reasonably practicable
- Do not impose mandatory legal obligations; persons may comply in a manner that is different so long as it provides a standard of health and safety that is equivalent to or higher than the standard required in the code.
- Current QLD codes continue until replaced by equivalent national model code.

Model WHS Codes of Practice — approved August 2011

- How to Manage Work Health and Safety Risks
- Work Health and Safety Consultation, Cooperation and Coordination
- Managing the Work Environment and Facilities
- Managing Noise and Preventing Hearing Loss at Work
- Hazardous Manual Tasks
- Confined Spaces
- How to Prevent Falls at Workplaces
- How to Manage and Control Asbestos at the Workplace
- How to Safely Remove Asbestos
- Preparation of Safety Data Sheets for Hazardous Chemicals
- Labelling of Workplace Hazardous Chemicals

Model WHS Codes of Practice – second stage

Currently available for public comment, closing date 18 November 2011.

- First Aid in the Workplace
- Managing Risks in Construction Work
- Preventing Falls in Housing Construction
- Managing Electrical Risks at the Workplace
- Managing Risks of Hazardous Chemicals
- Managing Risks of Plant in the Workplace

Model WHS Codes of Practice – second stage

Currently available for public comment, closing date 16 December 2011.

- Safe Design of Building and Structures
- Excavation Work
- Demolition Work
- Spray Painting and Powder Coating
- Abrasive Blasting
- Welding and Allied Processes
- Safe Access in Tree Trimming and Arboriculture
- Preventing and Managing Fatigue in the Workplace
- Preventing and Responding to Workplace Bullying

Model WHS Codes of Practice – third stage

More codes of practice are being developed and will be introduced progressively throughout the first half of 2012.

Potential codes include:

- Traffic Management
- Managing Risks in Diving
- Health Monitoring
- How to Safely Design, Manufacture, Supply and Install Plant
- Forest Safety

More information

- www.worksafe.qld.gov.au
- Workplace Health and Safety Infoline - 1300 369 915
- www.safeworkaustralia.gov.au