



**WORK HEALTH & SAFETY ACT 2011**

**DUTIES &  
RESPONSIBILITIES  
FOR NSWISA  
& CLUBS**

# SESSION OUTLINE

- **The WHS Act 2011**
- **Key Changes**
- **Duty Holders**
  - PCBU's
  - Officers
  - Volunteers
  - Others
- **Due Diligence / Reasonably Practicable**
- **HAZARD and RISK**
- **Risk Assessment**
- **NSWISA DRAFT WHS Operational Policy**



# WORK HEALTH & SAFETY ACT 2011

- **Commenced in NSW on 1 January 2012.**
- **Replaced the Occupational Health and Safety (OHS) Act 2000 in NSW.**
- **Sets out the legal obligations**
- **WHS Regulation expands on the requirements of the WHS Act**
- **Compliance and enforcement NSW is the role of WorkCover NSW**
- **Supported by the WorkCover Compliance Policy and Prosecution Guidelines**



# KEY CHANGES

**PCBU Replaces Employer**

**Officers and Due Diligence**

**Reasonably Practicable**

**Consultation**

**Health and Safety Representatives**

**Right of Entry**



# DUTY HOLDERS

PCBU

OFFICERS

Workers

Others



# SO WHAT IS A PCBU?

- Employers
- Partnerships
- Sole Traders
- Corporations
- Self Employed
- Associations
- Contractors
- Labour Hire



# PCBU DUTIES

Ensure so far as ***REASONABLY PRACTICABLE***, the health and safety of:

- Workers they engage, or cause to be engaged
- Workers they influence or direct
- Others (Guests, VIP's, spectators etc)



# WHO IS AN OFFICER?

An Officer is

- 1) An officer within the meaning of section 9 of the Corporations Act 2001 other than a partner in a partnership
- 2) An Officer Of The Crown, or
- 3) An officer of a public authority, other than an elected member of a local authority acting in that capacity





# CORPORATIONS ACT 2001 DEFINITION

- A director
- A secretary
- A person who makes or participates in making decisions that affect the whole, or a substantial part of the business or undertaking
- A person who has the capacity to significantly affect the business or undertakings financial standing
- A person who instructions or wishes the directors of the corporations act on



## DUTY OF OFFICERS

Officers must exercise

**Due Diligence**

to ensure the PCBU meets  
its Work health and Safety  
Duties



# DUE DILIGENCE

- Understand Work Health and Safety Risks
- Acquire safety knowledge and keep up to date
- Ensure WHS compliance
- Receive and consider information on incidents, risks and hazards
- Provide resources to eliminate or minimise risks
- Audit and review WHS processes and use of resources



# PCBU PRIMARY DUTY OF CARE

Ensure so far as  
**REASONABLY PRACTICABLE,**  
the health and safety of  
workers and others



# REASONABLY PRACTICABLE

means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:



# REASONABLY PRACTICABLE

## FACTORS TO BE CONSIDERED

Likelihood

Seriousness

What you  
Should  
Know

Availability  
and  
Suitability


Risk  
Assessment

Officers

Elimination  
& Control



# FIVE MAJOR CATEGORIES OF HAZARDS

- **physical** - includes floors, stairs, work platforms, steps, ladders, fire, falling objects, slippery surfaces, manual handling (lifting, pushing, pulling), excessively loud and prolonged noise, vibration, heat and cold, radiation, poor lighting, ventilation, air quality
  - **mechanical and/or electrical** - includes electricity, machinery, equipment, pressure vessels, dangerous goods, fork lifts, cranes, hoists
  - **chemical** - includes chemical substances such as acids or poisons and those that could lead to fire or explosion, cleaning agents, dusts and fumes from various processes such as welding
  - **biological** - includes bacteria, viruses, mould, mildew, insects, vermin, animals
  - **psychosocial environment** - includes workplace stressors arising from a variety of sources.
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# HAZARD VS RISK

- A hazard is any source of potential damage, harm or adverse health effects on something or someone under certain conditions at work.
- Risk is the chance or probability that a person will be harmed or experience an adverse health effect if exposed to a hazard. It may also apply to situations with property or equipment loss



# RISK ASSESSMENT MATRIX

|                 |                                    |             |             |              |
|-----------------|------------------------------------|-------------|-------------|--------------|
| Likelihood<br>↑ | Very likely                        | Medium<br>2 | High<br>3   | Extreme<br>5 |
|                 | Likely                             | Low<br>1    | Medium<br>2 | High<br>3    |
|                 | Unlikely                           | Low<br>1    | Low<br>1    | Medium<br>2  |
|                 | What is the chance it will happen? | Minor       | Moderate    | Major        |
|                 |                                    | Impact<br>→ |             |              |



# EXERCISE

- What might be a WHS risk when coordinating a Figure Skating Event at Your Club?
- Using the Matrix , rate this risk
- What action (s) could be taken?



# NSWISA DRAFT WHS OPERATIONAL POLICY

## Section 3.4 – Health and Safety Representatives

### - Consultation

## Section 3.5 – Clubs Hosting NSWISA Events

## Section 4 - Hierarchy Of Risk



# FINAL QUESTIONS

