

# Work Health and Safety Legal and Compliance Procedure

**March 2024 - This document is expired. It is replaced by the [Health, Safety and Wellbeing Policy](#).**

## Section 1 - Purpose

(1) The purpose of this Procedure is to ensure that all applicable Work Health and Safety (WHS) legal requirements have been identified and that arrangements are in place to ensure they remain current and achieve consistent compliance with these requirements.

### Scope

(2) This Procedure applies to all Faculties, Divisions, Offices and organisational units of Charles Sturt University (the University) and its controlled entities.

## Section 2 - Glossary

(3) For the purpose of this Procedure:

- a. Codes of Practice - means the WHS Codes of Practice as provided on the Safe Work Australia and [SafeWork NSW](#) websites. These Codes provide practical guidance to those who have duties under the Act and Regulations on how to comply with those duties. Failure to comply with a Code may be an offence, depending if the Code is called up in the Act or Regulations. Complying with Codes is considered 'good practice'. The Codes can be used as an example of what should have been implemented if a breach of the Act or Regulations occurs;
- b. Officer - is a person who makes decisions that affect the whole or a part of the organisation and/or has the capacity to significantly affect the financial standing of the organisation and/or on whose instruction the directors of the corporation are to act. Officers have a duty under the Act to demonstrate due diligence in taking reasonable steps to ensure the organisation complies with its work health and safety obligations. At the University, officers include:
  - i. members of the University Council;
  - ii. members of the Executive Leadership Team;
  - iii. members of the Vice-Chancellor's Forum; and
  - iv. other senior staff and managers where their role meets the definition of an officer under the Act.
- c. Person Conducting a Business or Undertaking (PCBU)- means a business or an undertaking that is either conducted alone or with others, whether or not for profit or gain. The University is a PCBU;
- d. Standards - means International (ISO) Standards and Australian Standards. These are published documents setting out specifications and procedures to ensure the material product, method or service is fit for its purpose, and consistently performs as intended. Failure to comply with an ISO or Australian Standard may be an offence depending if the Standard is called up in the Act or Regulations. Complying with Standards is considered best practice;

- e. The Act - means the [Work Health and Safety Act 2011 \(NSW\)](#), as it is enacted by NSW State Parliament, it is part of the law and as such must be complied with;
- f. The Regulations - means the [Work Health and Safety Regulation 2017](#). These are more specific and prescriptive than the Act and provide detail about how the requirements of the Act are to be met. The Regulations are law and breaches may result in prosecution; and
- g. Worker - means any person that carries out work for the University, consistent with the terminology in the [Work Health and Safety Act 2011 \(NSW\)](#). Workers include:
  - i. employees;
  - ii. trainees;
  - iii. volunteers and affiliates, including visiting and honorary fellows;
  - iv. outworkers;
  - v. apprentices;
  - vi. Higher Degree Research (HDR) students;
  - vii. work experience students;
  - viii. contractors and sub-contractors and their employees; and
  - ix. employees of labour hire companies.

## Section 3 - Policy

(4) Refer to the [Health, Safety and Wellbeing Policy](#).

## Section 4 - Procedures

### Part A - Responsibilities

#### University Council, Executive Leadership Team (ELT) and Vice-Chancellor's Forum

(5) In addition to the responsibilities of workers, the University Council, ELT and Vice-Chancellor's Forum have the following responsibilities:

- a. duty of care as outlined in Part B;
- b. hold leaders and managers accountable for meeting their legal WHS responsibilities;
- c. monitor University compliance with WHS legal requirements, through Audit and Risk Committee; and
- d. ensure that resources are available to enable leaders to comply with WHS legal requirements.

#### Heads of School/Unit

(6) Heads of School/Unit have the following responsibilities:

- a. duty of care as outlined in Part B;
- b. hold supervisors/managers accountable for meeting their legal WHS responsibilities; and
- c. ensure that resources are available to enable supervisors/managers to comply with WHS legal requirements.

#### Supervisors and Managers

(7) Supervisors and Managers have the following responsibilities:

- a. ensure that staff and others receive training and instruction for the tasks they are required to do, as outlined in

Part B;

- b. implement corrective actions arising from incident investigations, workplace safety inspections and audits, and from issues tabled at WHS Committee meetings, as outlined in Part B; and
- c. ensure approved SafeWork inspectors are given right of entry, access to requested information and the required cooperation, in accordance with the requirements of the Act.

## **WHS Compliance Committees (Biological, Radiation, Chemical)**

(8) WHS Compliance Committees have the following responsibilities:

- a. ensure activities scheduled by WHS legislation are notified to the appropriate authority for dangerous goods including radioactive sources, and any other activity as specified by the WHS legislation;
- b. communicate changes, relevant to your committee, to the Act and Regulations which impact the University; and
- c. maintain records of legislative changes and the responses to the changes, as outlined in Part B.

## **Work Health and Safety (WHS) Unit**

(9) The WHS Unit will:

- a. undertake actions to achieve compliance, as outlined in Part B;
- b. ensure relevant information on WHS legal requirements and responsibilities is provided to stakeholders as required through induction, provision of information and WHS procedures;
- c. communicate changes to the Act and Regulations, which impact the University;
- d. keep up to date with WHS legislative changes as outlined in Part B, assess impact to the University and advise stakeholders including relevant WHS Committees;
- e. maintain records of legislative changes and the responses to the changes, as outlined in Part B.
- f. facilitate changes in procedures where required to meet legal compliance;
- g. ensure links to New South Wales WHS legislation are included in WHS policies and procedures; and
- h. liaise with SafeWork authorities as required.

## **All Workers, Visitors and Students**

(10) All workers, visitors and students must:

- a. comply with all University WHS procedures to prevent injury to themselves and others;
- b. report hazards and incidents to their immediate supervisor as soon as they are identified; and
- c. never willfully interfere with, or damage any risk control safety devices that are provided.

## **Part B - WHS Compliance**

### **Duty of Care**

(11) Ensure the health and safety of all workers as far as reasonably practicable.

(12) Determine “duty of care” taking the following points into consideration:

- a. the foreseeability of loss or injury;
- b. whether practical means of avoiding or lessening the risk are available and if they have been adopted;
- c. the processes in place for identification, assessment and control of hazards and risks;

- d. evidence of safe operating procedures (SOPs) which are communicated and implemented;
- e. provision of supervision by responsible staff members to monitor and maintain compliance;
- f. evidence that instruction and training has been given to employees and others to ensure WHS risks, and the controls to minimise or eliminate these risks are understood;
- g. consideration of the physical and mental demands of the job and a person's ability to meet those requirements;
- h. ensuring equipment, materials and tools used are in good condition and suitable for the job; and
- i. evidence of processes that provide for consultation with employees and others on matters relevant to their health and safety.

## **Actions to Achieve Compliance**

(13) The following actions will enable the University to achieve compliance with the Act and Regulations:

- a. subscribe to WHS legislative websites for keeping up to date with the latest developments;
- b. conduct workplace safety inspections and audits to monitor compliance and identify opportunities for improvement;
- c. analyse incident trends so that corrective actions can be taken to improve performance and prevent injuries and harm;
- d. implement corrective actions arising from incident investigations, workplace safety inspections and audits, and from issues tabled at WHS Committee meetings;
- e. implement procedures to provide for employee consultation on WHS matters relevant to their work and other University activities; and
- f. maintain documentation that provides evidence that WHS systems and procedures are implemented.

## **Records**

(14) Records will be maintained of legislative changes and the responses to the changes. This includes records of discussions and meeting minutes relating to the actions required to manage the changes.

# **Section 5 - Guidelines**

(15) Nil.

## Status and Details

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|---------------------------|--|
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