



# WHS regulatory priorities

**Rodney Powell**  
**Senior Inspector/Scientific Officer**

# HARMONISED LAWS (?)



# HARMONISED LAWS (?)



**YES**

Comcare

ACT

Queensland

New South Wales

South Australia

Tasmania

Northern Territory

**NO**

Victoria

**Modernised based on them**

WA (soon)

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## Model WHS Laws

[www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

### [Law and regulation](#)

#### Model WHS Laws

#### The law in your state

#### The development of WHS Laws

#### Explosive regulation reform

### On this page:

- ↓ [Model WHS Act](#)
- ↓ [Model WHS Regulations](#)
- ↓ [Model Codes of Practice](#)
- ↓ [Review of the model WHS laws](#)
- ↓ [National compliance and enforcement policy](#)
- ↓ [Harmonising WHS laws](#)
- ↓ [Further advice](#)

In 2011, Safe Work Australia developed a single set of [WHS laws](#) to be implemented across Australia. These are known as 'model' laws. For the [model WHS laws](#) to become legally binding, the Commonwealth, states and territories must separately implement them as their own laws.

We are responsible for maintaining the [model WHS laws](#), but we don't regulate or enforce them.

### Related information

[Model WHS Act](#)

[Guide to the model WHS Act](#)

[Explanatory Memorandum - Model WHS Act](#)

[Model WHS Regulations](#)

[Guide to the model WHS Regulations](#)

[Explanatory statement - Model WHS Regulations](#)

[The meaning of 'person conducting a business or undertaking'](#)

# HARMONISED LAWS (?)



**YES**

Comcare

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South Australia

Tasmania

Northern Territory

**NO**

Victoria

**Modernised based on them**

WA (soon)

## Potential Changes

⇒ “Conceptual”

Increased obligations towards

*my-workplace-not-my-employees*

and

*my-employees-not-my-workplace*

## Occupational Safety and Health Act 1984

### Part III — General provisions relating to occupational safety and health

#### Division 1 — Preliminary

|      |  |    |
|------|--|----|
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## 22. Duties of persons who have control of workplaces

- (1) A person that has, to any extent, control of —
  - (a) a workplace where persons who are not employees of that person work or are likely to be in the course of their work; or

~~Employers, Employees & Contractors~~



Persons in Charge of Business or  
Undertaking (*PCBUs*) & *Workers*

## Potential Changes

⇒ Shift from regulation to business case (?)



KYACing

Keeping  
Your  
A\*\*\*  
Covered



## Potential Changes

- ⇒ Stronger obligations upon designers(?)
- ⇒ Obligations on those who design, manufacture, import, *supply, install, & commission*
- ⇒ Also includes foreseeable use and activity

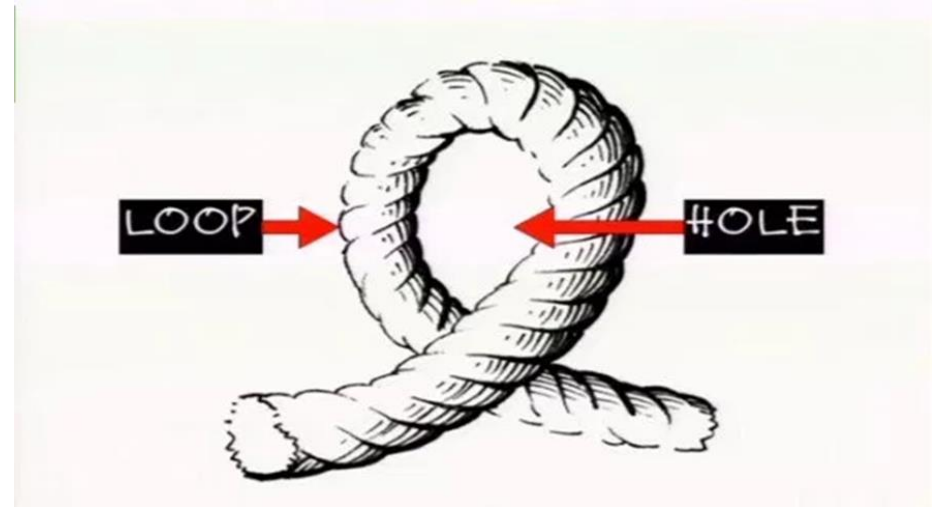
## Potential Changes

⇒ “Plant” includes *containers*



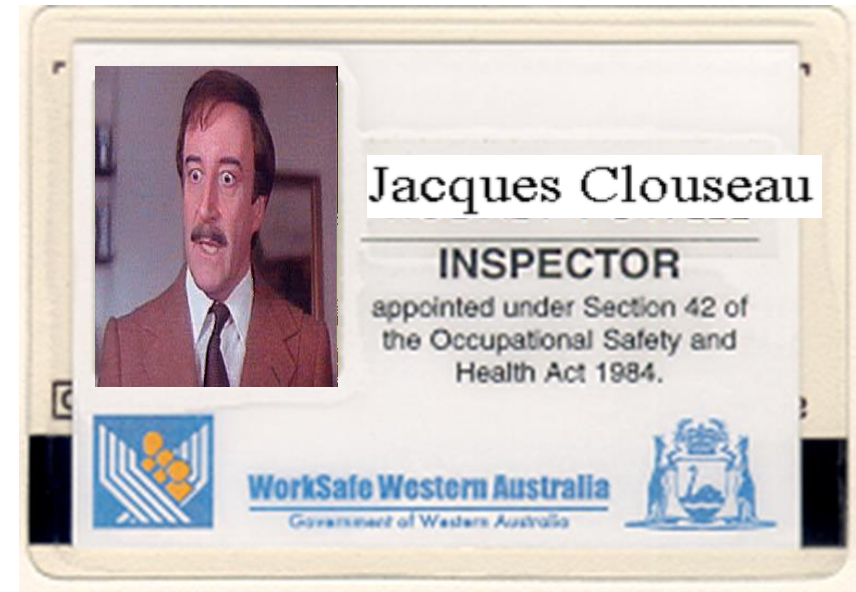
*BUT:*

Model laws still have the same “old” reporting and consultation requirements



## Current WorkSafe Priority Areas

- mobile plant
- manual tasks
- electricity
- work at heights
- slips, trips and falls
- hazardous substances &
- machine guarding

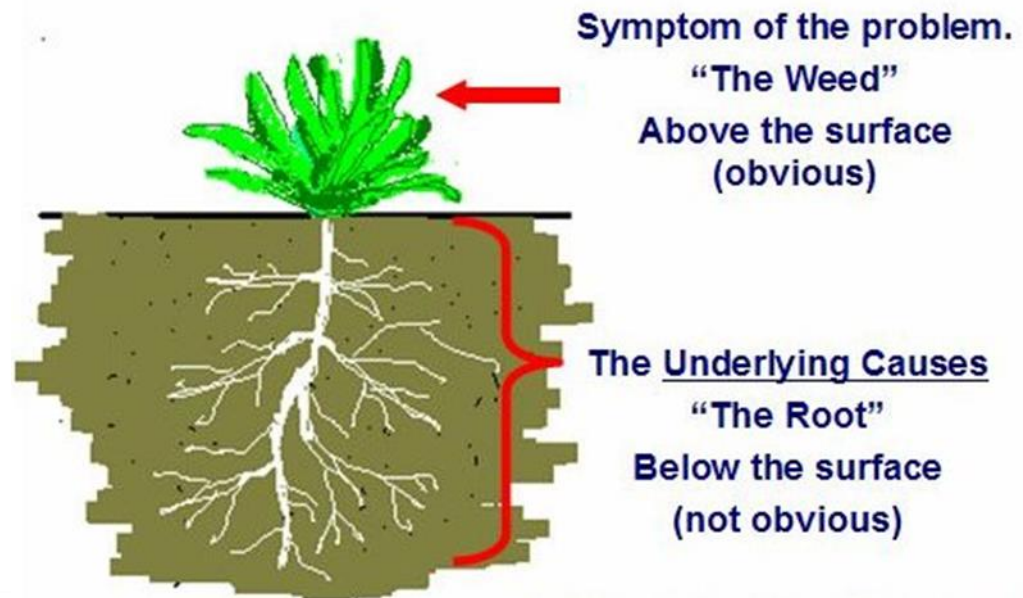


## MEAT PROCESSING LOST TIME INJURIES/DISEASES (LTI/Ds) 2013/14 - 2015/16

| Mechanism of Incident          | % of LTI/Ds | % of Days Lost |
|--------------------------------|-------------|----------------|
| Manual Tasks (Manual Handling) | 42%         | 55%            |
| Hitting, being hit by stuff    | 40%         | 23%            |
| Slips, Trips, Falls            | 12%         | 10%            |
| Caught, trapped by stuff       | 3%          | 6%             |
| Burns                          | 1%          | <1%            |
| Zoonoses                       | 1%          | <1%            |
| Other                          | 1%          | 6%             |

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Sometimes severity is a “poo happens” situation  
But even minor injuries may indicate more serious root causes



## Abattoir fined \$22,000 after slaughterman endures severe hand injuries

🕒 July 6, 2009   📁 News

LOBETHAL Abattoirs has been convicted and fined \$22,000 after a slaughterman's hand was severely injured by a mechanical hock cutter.

*LOBETHAL Abattoirs has been convicted and fined \$22,000 after a slaughterman's hand was severely injured by a mechanical hock cutter.*

Lobethal Abattoirs Pty Ltd had already pleaded guilty to breaching section 19(1) of the Occupational Health, Safety and Welfare Act 1986 in failing to ensure the safety of an employee.

SafeWork SA prosecuted the company after investigating an incident at its abattoir in November 2006.

The incident occurred in an area known as the 'small stock slaughter floor', where sheep carcasses were being processed in stages at workstations set up along the production line.

During this process, the slaughterman came into contact with a mechanical hock cutter being operated near him.

The middle finger of his left hand was amputated, his ring finger was partially amputated, and his palm was lacerated. The affected fingers were all surgically repaired, but the worker continues to suffer some restriction of movement and psychological after-effects.

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| <b>Zoonoses</b>                | <b>1%</b>   | <b>&lt;1%</b>  |
| Other                          | 1%          | 6%             |

## Q Fever Notifications

### Notifiable Infectious Disease Reports, WA Department of Health

**Number and rate of Q fever notifications in Western Australia,  
by year of disease onset, Period 2013 - 2018**

| Year | Total | Rate * |
|------|-------|--------|
| 2013 | 8     | 0.3    |
| 2014 | 6     | 0.2    |
| 2015 | 11    | 0.4    |
| 2016 | 11    | 0.4    |
| 2017 | 7     | 0.3    |
| 2018 | 3     | -^     |

*\* Rate=annual crude rate per 100,000 population. Rates only provided for those years with complete data.*

*^Data for current and most recent reporting periods may be incomplete.*

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| <b>Other</b>                   | <b>1%</b>   | <b>6%</b>      |

Symptom of:

- Dysfunctional culture
- Shoot the whistle blower

---

The Parliament of the Commonwealth of Australia

## **Workplace Bullying**

We just want it to stop

House of Representatives  
Standing Committee on Education and Employment

October 2012  
Canberra

---



# The doctor who killed three patients

Surgeon Jayant Patel, centre, was yesterday found guilty of killing three patients and permanently injuring another in a series of botched operations. During the trial, the jury was told that Patel, dubbed Dr Death, caused the deaths by performing the wrong operations on the wrong patients.

|                         | Australia | South Korea | India | Philippines |
|-------------------------|-----------|-------------|-------|-------------|
| Respect for “Hierarchy” | 36        | 60          | 77    | 94          |
| “Me” v/s Group          | 90        | 18          | 48    | 32          |
| Don’t like Uncertainty  | 51        | 85          | 40    | 44          |
| Impulsive               | 71        | 29          | 26    | 42          |

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“Reality”

THINGS THAT EMPLOYEES DO

Lifting carrying pushing pulling bending  
twisting sharpening cutting holding, restraining

Total Risk



**Hazard:** *thing* that can cause injury or harm

**Risk:** likelihood that *thing* will cause injury or harm



## Current Regulation

### 3.4. Manual handling

(1) In this regulation —

*manual handling* means any activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain a person, animal or thing.

(2) Without limiting regulation 3.1, a person who, at a workplace, is an employer, the main contractor or a self-employed person must, as far as practicable —

- (a) identify each hazard that is likely to arise from manual handling at the workplace; and
- (b) assess the risk of injury or harm to a person resulting from each hazard, if any, identified under paragraph (a); and
- (c) consider the means by which the risk may be reduced.

Penalty: the regulation 1.16 penalty.

## model Regulation

Work Health and Safety Regulations  
Exposure Draft

Part 4.2 Hazardous Manual Tasks

### Part 4.2 Hazardous Manual Tasks

#### 60 Managing risks to health and safety

(1) A person conducting a business or undertaking

*hazardous manual task* means a task that requires a person to lift, lower, push, pull, carry or otherwise move, hold or restrain any person, animal or thing that involves 1 or more of the following:

- (a) repetitive or sustained force;
- (b) high or sudden force;
- (c) repetitive movement;
- (d) sustained or awkward posture;
- (e) exposure to vibration.

- (d) the design of the work area; and
- (e) the layout of the workplace; and
- (f) the systems of work used; and
- (g) the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

**"Hazardous Manual Tasks"**

Work Health and Safety Regulations  
Exposure Draft

Part 4.2 Hazardous Manual Tasks

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- (e) the layout of the workplace; and
- (f) the systems of work used; and
- (g) the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

> 2 per minute per *manual task*

> 30 seconds per *manual task*

WBV concurrent exposure rare

MANUAL TASKS

HAZARDOUS MANUAL TASKS



## THINGS THAT EMPLOYEES DO

Lifting carrying pushing pulling bending  
twisting sharpening cutting holding, restraining

**HAZARDOUS MANUAL TASKS**



Work Health and Safety Regulations  
Exposure Draft

Part 4.2 Hazardous Manual Tasks

## Part 4.2 Hazardous Manual Tasks

### 60 Managing risks to health and safety

- (1) A person conducting a business or undertaking must manage risks to health and safety relating to a musculoskeletal disorder associated with a hazardous manual task, in accordance with Part 3.1.

**Note**

WHS Act—section 19 (see regulation 9).

- (2) In determining the control measures to implement under subregulation (1), the person conducting the business or undertaking must have regard to all relevant matters that may contribute to a musculoskeletal disorder, including:
- (a) postures, movements, forces and vibration relating to the hazardous manual task; and
  - (b) the duration and frequency of the hazardous manual task; and
  - (c) workplace environmental conditions that may affect the hazardous manual task or the worker performing it; and
  - (d) the design of the work area; and
  - (e) the layout of the workplace; and
  - (f) the systems of work used; and
  - (g) the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

## HAZARDOUS MANUAL TASKS

Code of Practice

➤ Up to 129 questions per Risk Assessment

Work Health and Safety Regulations  
Exposure Draft

Part 4.2 Hazardous Manual Tasks

## Part 4.2 Hazardous Manual Tasks

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- (1) A person conducting a business or undertaking must manage risks to health and safety relating to a musculoskeletal disorder associated with a hazardous manual task, in accordance with Part 3.1.

Note

WHS Act—section 19 (see regulation 9).

- (2) In determining the control measures to implement under subregulation (1), the person conducting the

GO DIRECTLY  
TO RISK CONTROL

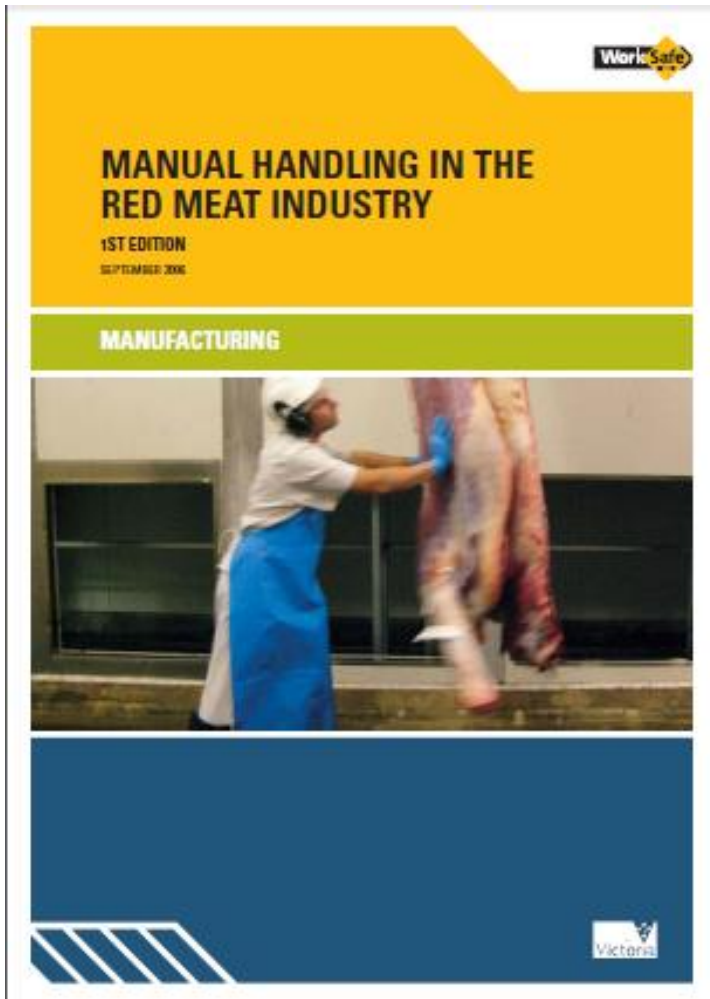


## 3.1 When should a risk assessment be conducted?

You should carry out a risk assessment for any manual tasks that you have identified as being hazardous, unless the risk is well-known and you know how to control it.

- (c) workplace environmental conditions that may affect the hazardous manual task or the worker performing it; and
- (d) the design of the work area; and
- (e) the layout of the workplace; and
- (f) the systems of work used; and
- (g) the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

What can we  
improve?



## Model Work Health and Safety Regulations

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## 38 Review of control measures

- (1) A duty holder must review and as necessary revise control measures implemented under these Regulations so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.
- (2) Without limiting subregulation (1), the duty holder must review and as necessary revise a control measure in the following circumstances:

## **RISK REGISTERS**

### **“Traditional View”**

⇒ What is pending

### **Model Regulation View**

⇒ What has control measures are in place

# **RISK REGISTERS**

## **“Enhanced View”**

- ⇒ What controls are common to pending stuff
- ⇒ “Expectation management”
- ⇒ Bigger picture root causes
- ⇒ Brainstorm solutions



## PARTICIPATIVE ERGONOMIC BLUEPRINT



Richard  
Robert  
Mardon  
Andrew  
Donald  
Michael

Ergonomics  
Faculty  
University

Institute for Work & Health, Toronto  
[www.iwh.on.ca](http://www.iwh.on.ca)

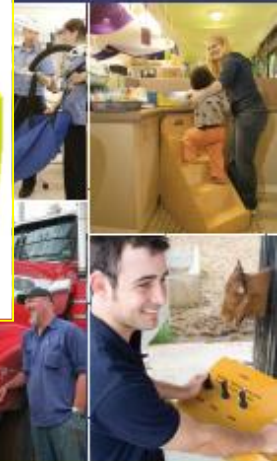
August 2003

**With every employee  
you get a FREE BRAIN!**

**SPECIAL  
OFFER!**

## Participative Ergonomics for Manual Tasks (PERforM) Handbook

worker participation.



## Participatory Ergonomics & Psychosocial Stuff

- gets people talking about OSH
- employees feel supported
- employees feel in control
- Risk Assessment Team(-building)
- ownership of fixes

Plus

- What gets fixed

## APPENDIX C – DISCOMFORT SURVEY

A discomfort survey can help identify hazardous manual tasks. Early reporting of symptoms can lead to risk controls being put in place before injury occurs.

The survey sheet below will help you identify and record instances where workers experience discomfort that:

- persists, or
- re-occurs the next day, or
- persists after rostered days off.

Encourage workers to report pain or discomfort at work or at any other time. Follow up the reasons for the problem. Even if only one worker reports problems, assess the presence of a risk factor.

Name (optional) \_\_\_\_\_

Date \_\_\_\_\_

Job work location \_\_\_\_\_

Tasks involved \_\_\_\_\_

Time on this job: Less than 3mths ☐ 3mths to 1 yr ☐ 1 to 5 yrs ☐

Supervisor \_\_\_\_\_

1. Do you suffer from swelling, numbness, tingling, 'pins and needles' stiffness, aches and pains in any part of the body? Indicate in the diagrams where the problem occurs.

2. Rate the level of discomfort/pain on a scale of 1 to 5

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_

Just noticeable  
Unbearable

Moderate

3. What do you think caused the problem?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



### HAZARDOUS MANUAL TASKS

Code of Practice

## What really pisses you off Survey

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The survey sheet below will help you identify and record instances where workers experience discomfort that:

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Encourage workers to report pain or discomfort at work or at any other time. Follow up the reasons for the problem. Even if only one worker reports problems, assess the presence of a risk factor.

Name (optional) \_\_\_\_\_

Date \_\_\_\_\_

Job work location \_\_\_\_\_

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Supervisor \_\_\_\_\_

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2. Rate the level of discomfort/pain on a scale of 1 to 5

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_ 5. \_\_\_\_\_

Just noticeable                      Moderate  
Unbearable

3. What do you think caused the problem?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

+

Risk Assessments  
that take into  
consideration  
worker perceptions

**YES**

Comcare

ACT

Queensland

New South Wales

South Australia

Tasmania

Northern Territory

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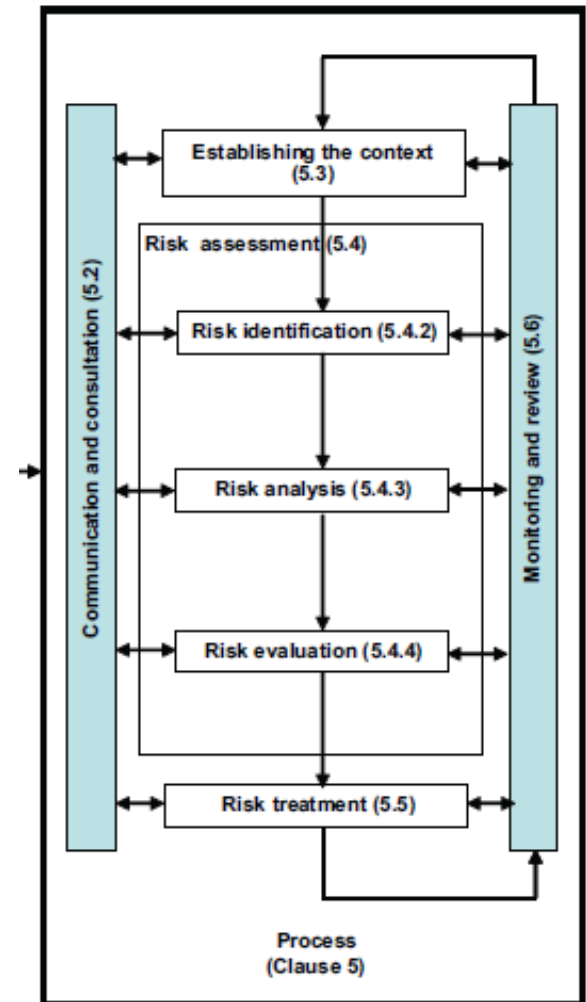
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WATCH  
THIS  
SPACE



# THE RISK MANAGEMENT PROCESS RE-CONCEPTUALISED

**CONTROL**



## RISK REGISTER

Prioritise

Look for

- underlying causes/Sources of Risk & common Controls

Research & brainstorm common controls

# THE RISK MANAGEMENT PROCESS RE-CONCEPTUALISED

**CONTROL**



## RISK REGISTER

Prioritise

Look for

- underlying causes/Sources of Risk & common Controls

Research & brainstorm common controls



Review

Survey

Count/Quantify

Measure

Observe

Use

smartphones

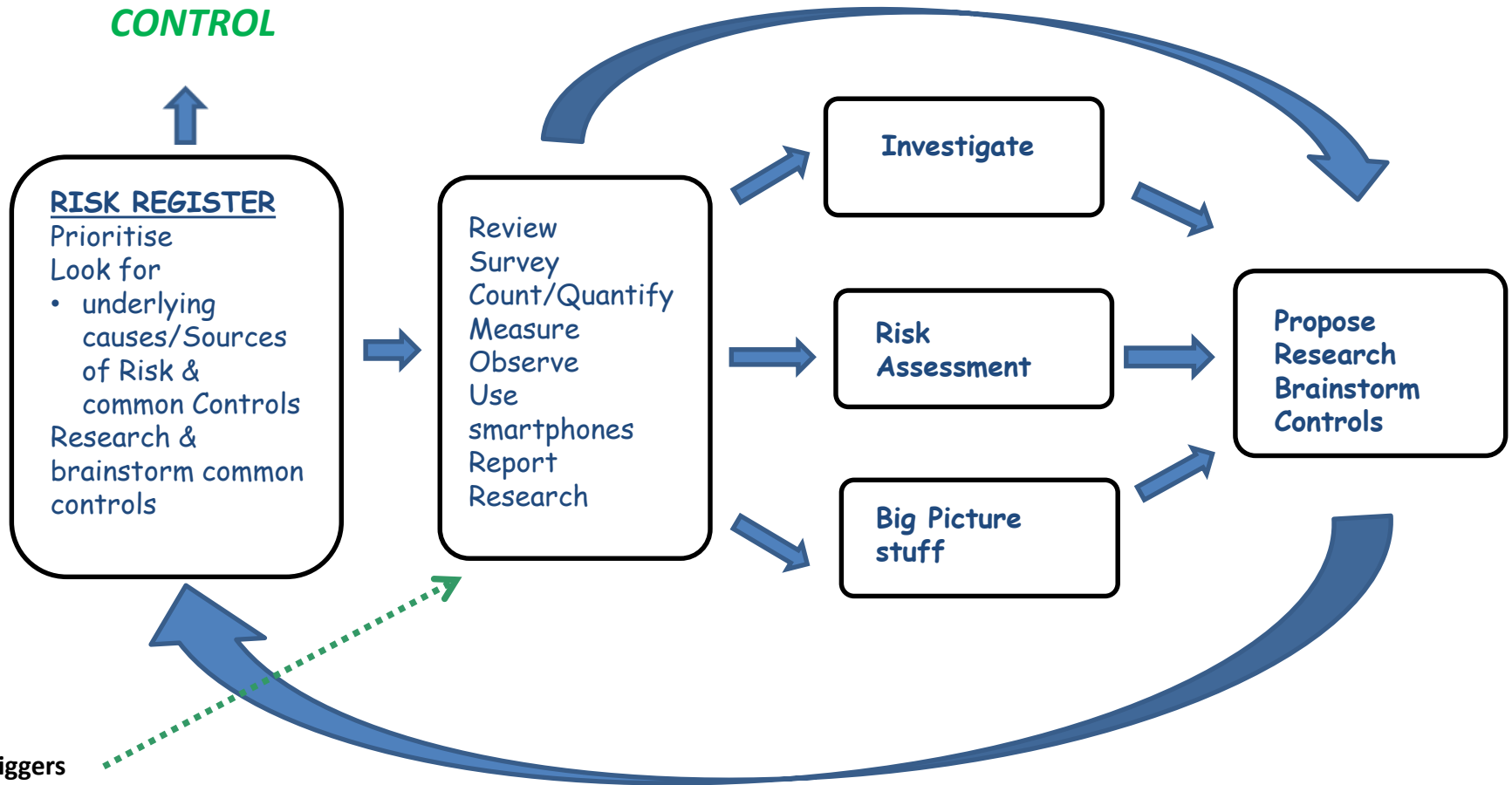
Report

Research

## Triggers

- Changes that controls may not address
- New Hazards/risks
- Outstanding controls on Risk Register
- Injuries, complaints, SHR requests
- Schedule (e.g. yearly)

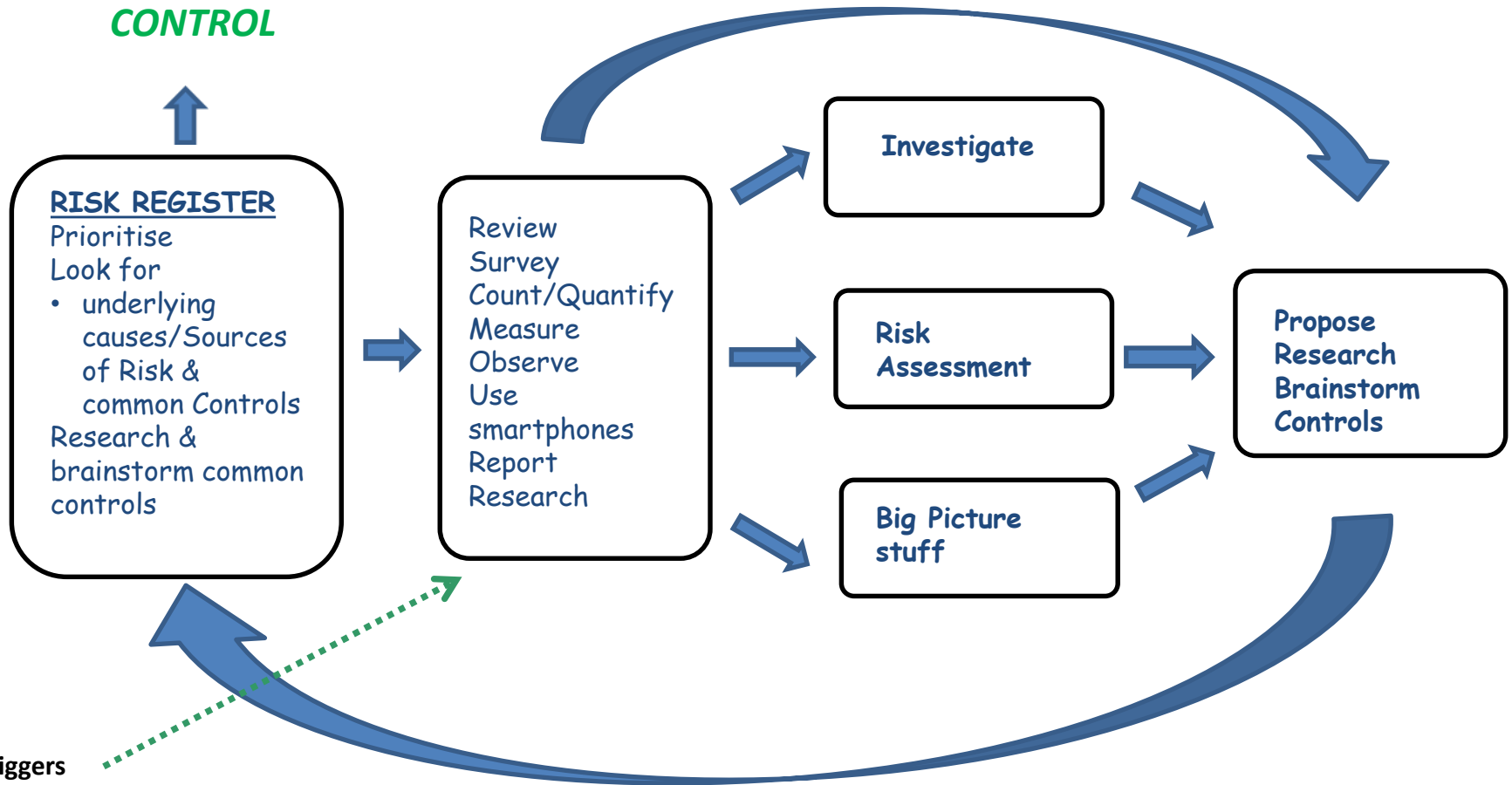
# THE RISK MANAGEMENT PROCESS RE-CONCEPTUALISED



## Triggers

- Changes that controls may not address
- New Hazards/risks
- Outstanding controls on Risk Register
- Injuries, complaints, SHR requests
- Schedule (e.g. yearly)

# THE RISK MANAGEMENT PROCESS RE-CONCEPTUALISED

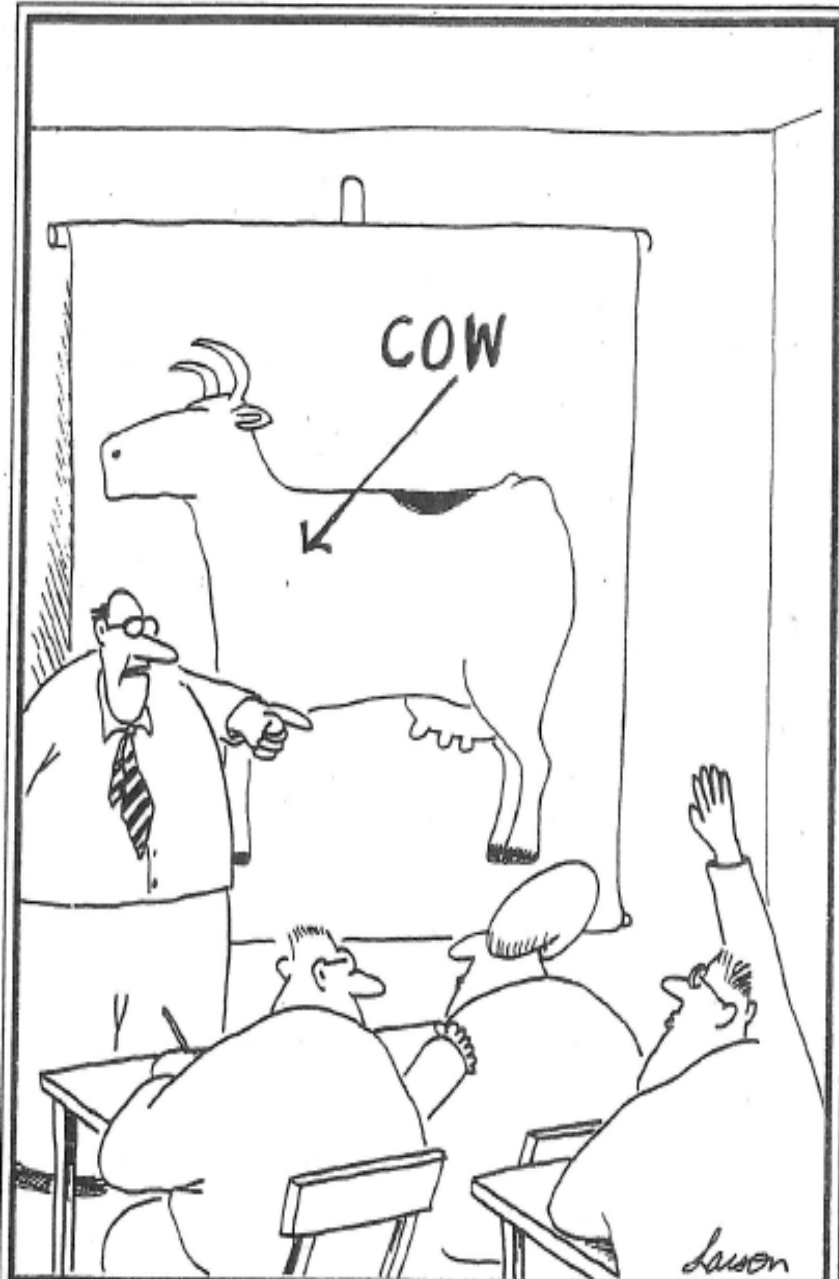


## Triggers

- Changes that controls may not address
- New Hazards/risks
- Outstanding controls on Risk Register
- Injuries, complaints, SHR requests
- Schedule (e.g. yearly)

# QUESTIONS?

[rodney.powell@dmirs.wa.gov.au](mailto:rodney.powell@dmirs.wa.gov.au)



"Yes ... I believe there's a question there in the back."