



UNIVERSITY  
OF WOLLONGONG  
AUSTRALIA

**UOW SAFE@WORK**

# WHS LEGISLATIVE COMPLIANCE GUIDELINES

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# 1 Introduction

As Work Health and Safety (WHS) is regulated by legislation it is vital that the University has a mechanism to enable the identification of legislative requirements. This document outlines the process in which the WHS Unit and campus community identifies applicable legislation and remains up to date with legislative changes.

## 2 Scope

This document outlines legislation, codes of practice and Australian Standards applicable to the University's WHS Management System. The list of applicable standards and codes of practice is not exhaustive, and aims to identify those operations where reference to guidelines is required to minimise risk of injury.

## 3 Responsibilities

### 3.1 Manager WHS Unit

The Manager of the WHS Unit is responsible for ensuring:

- activities are implemented for the identification and monitoring of all health and safety legislation, standards, codes of practice, agreements and guidelines relevant to the University
- any new or changed WHS requirements are disseminated to the University as appropriate.

### 3.2 Management of Faculties, Divisions and Research Institutes

Managers and supervisors are responsible for ensuring WHS legislative compliance for activities under their responsibility.

## 4 Maintaining and Monitoring Legislative Information

To ensure that the University has reference to the most applicable and current legislation, the WHS Unit maintains subscriptions and memberships to publications, journals and associations.

Subscriptions include:

- SafeWork NSW e-bulletin
- Safety Institute of Australia
- Thomson Reuters Occupational Health News
- Worksafe Safety Australia Safety Alert
- Standards Australia Online (University Library).

Memberships include:

- NSW Self Insurers Association
- Australasian University Safety Association.

The Manager WHS or WHS Advisors shall identify any relevant new legislation, standards, codes of practices and agreements or changes and initiate a legislative compliance review for applicable WHSMS documentation.

## 5 Identification of Applicable Legislative Information

All work health and safety management system (WHSMS) documentation shall identify:

- the title of any relevant legislation, code of practice or Australian Standard, agreements or guidelines that support the content of the particular document
- the requirements of applicable legislation, code of practice, Australian Standard etc
- the University standard to enable compliance to the applicable legislation, code of practice or Australian Standard.

## 6 Communication of Legislative Information

Mechanisms are in place for alerting new and changed legislative requirements to the UOW community. This primarily includes communication via the Central WHS Committee and Workplace Advisory Committees.

Where appropriate stakeholders such as Deans, Directors, Heads or Managers of Units, laboratory managers or technical officers may be communicated directly via email of any changes or updates.

## 7 Access to Legislative Information

Access to current relevant WHS legislation, Australian Standards, codes of practice, agreements and guidelines is primarily available through electronic media from the WHS site including this document and other external internet sites. Where electronic information is inaccessible, relevant legislative material is to be maintained in hardcopy and noted in this document accordingly.

The WHS Unit provides external links on the UOW WHS website to facilitate individuals accessing up to date legislative information. External links to sites containing relevant information include;

- [SafeWork NSW](#)
- [New South Wales Office of Environment and Heritage](#)
- [Safe Work Australia](#)
- [Australasian University Safety Association](#)
- [Department of Foreign Affairs and Trade](#)

## 8 Specific Activities

Any person undertaking specific activities, performing work or operating equipment which includes those activities requiring licences, certificate of competency, notification to regulatory department, registration, approval, exemption or any other type as required by legislation will ensure compliance with relevant legislation and associated requirements.

The [WHS Training Guidelines](#) details activities requiring qualification and licences.

The following University guidelines details specific requirements for these activities:

- [Dangerous Goods](#)
- [Plant and Equipment](#)
- [Asbestos](#)
- [Electrical](#)
- [Forklifts](#)
- [Radiation](#)
- [Hazardous Chemicals](#)
- [WHS Risk Management Guidelines.](#)

Legislative requirements are incorporated into the operations of the University undertakings through the following processes:

- development of WHSMS documentation
- undertaking of risk assessments and risk control plans
- development of safe work procedures
- WHS training requirements.

University workers are provided with information regarding WHS related regulatory requirements including legislation that significantly affects their role and responsibilities. This is identified via the WHS training competency profile and on-the-job training via information outlined in safe work procedures.

## 9 Government Organisations

### 9.1 SafeWork Australia

Safe Work Australia is an Australian Government statutory agency which has a responsibility to improve work health and safety and workers compensation arrangements across Australia. Safe Work Australia is a national policy body, not a regulator of work health and safety.

### 9.2 SafeWork NSW

SafeWork NSW (formerly WorkCover NSW) is the workplace safety regulator in NSW.

## 10 Key Legislation

### 10.1 Acts and Regulations

The legislation for WHS in NSW is:

- [Work Health and Safety Act 2011 NSW](#)
- [Work Health and Safety Regulation 2011 NSW](#)

A summary of the NSW WHS Regulation is available and outlined in plain English:

- [Summary of the Regulation](#)

Other legislation which is applicable to the University's WHSMS includes:

- [Explosives Act 2003](#)
- [Explosives Regulation 2005](#)
- [Radiation Control Act 1990](#)
- [Radiation Control Amendment Act 2010](#)
- [Radiation Control Regulation 2003](#)
- [Commonwealth Gene Technology Act 2000](#)
- [Commonwealth Gene Technology Regulations 2001](#)

### 10.1.1 Codes of Practice

A code of practice is a practical guide to achieving the standard of safety required by WHS legislation. Codes of practice are admissible in court proceedings and should be followed unless there is an alternative course of action, which achieves the same or better standard of health and safety in the workplace. The model codes of practice issued by Safe Work Australia have been determined as appropriate codes of practice by SafeWork NSW.

The following codes of practice were released since 1 January 2012:

- [Confined spaces](#)
- [Hazardous manual tasks](#)
- [How to manage and control asbestos in the workplace](#)
- [How to manage work health and safety risks](#)
- [Managing the risk of falls at workplaces](#)
- [How to safely remove asbestos](#)
- [Labelling of workplace hazardous chemicals](#)
- [Managing noise and preventing hearing loss at work](#)
- [Managing the work environment and facilities](#)
- [Preparation of safety data sheets for hazardous chemicals](#)
- [Work health and safety consultation, coordination and cooperation.](#)
- [First Aid in the Workplace](#)
- [Managing Risks in Construction Work](#)
- [Preventing Falls in Housing Construction](#)
- [Managing Risks of Plant in the Workplace](#)
- [Managing Risks of Hazardous Chemicals in the Workplace](#)
- [Safe design of structures](#)
- [Managing electrical risks at the workplace](#)
- [Demolition work](#)
- [Excavation work](#)
- [Spray Painting and Powder Coating](#)
- [Abrasive Blasting](#)
- [Welding Processes](#)

A full list of the [model codes of practice](#) is available on the Safe Work Australia web site.

### 10.1.2 Australian Standards

Australian Standards are accessible for UOW staff and students via the [UOW Library](#), which holds a licence to allow access to the standards online.

[A Guide to Standards – Occupational Health and Safety](#) information on Standards, Certification schemes and other industry specific information that can be used by organizations to manage areas relating to Workplace Health and Safety (WHS) including risk management, slip hazards, evacuation of buildings, safety and ergonomics.

The key standards that UOW relevant in relation to the WHSMS include:

- AS4804:2001 Occupational Health and Safety Management Systems - General guidelines on principles, systems and supporting techniques
- AS4801:2001 Occupational Health and Safety Management Systems - Guidance for Use
- AS/NZS ISO 31000:2009
- AS/NZS ISO 19011 - Guidelines for Quality and/or Environmental Management Systems Auditing.

Key standards relevant to emergency preparedness include:

- AS3745-2010: Planning for emergencies in facilities
- AS1670.1-2004: Fire detection, warning, control and intercom systems – System design, installation and commissioning – Fire
- AS1670.3 2004, Fire detection, warning, control and intercom systems – System design, installation and commissioning – Fire alarm monitoring
- AS1670.4 2004, Fire detection, warning, control and intercom systems – System design, installation and commissioning – Sound systems and intercom systems for emergency purposes
- AS2419.1-2005: Fire hydrant installations – System design, installation and commissioning
- AS2444-2001; Portable fire extinguishers and fire blankets – Selection and location
- AS2941-2008; Fixed fire protection installations – Pumpset systems
- AS1905.1-2005; Components for the protection of openings in fire-resistant walls – Fire-resistant doorsets.
- AS1841: Portable fire extinguishers
- AS1850: Portable fire extinguishers – Classification, rating and performance testing
- AS3745: Emergency control organization and procedures for buildings, structures and workplaces.

Key standards relevant to lighting levels include:

- AS1680: Interior lighting
- AS1680.1: Interior and workplace lighting – General principles and recommendations.
- Key standard relevant to air quality include:
- AS1668.2: The use of ventilation and air-conditioning in buildings - Ventilation design for indoor air contaminant control.

Key standards relevant to slip resistance

- AS4586, Slip resistance classification of new pedestrian surface materials
- AS4663, Slip resistance measurement of existing pedestrian surfaces.

Key standards relevant to ergonomics include:

- AS1668.2: The use of ventilation and air conditioning in buildings: Part 2: Ventilation design for indoor air contaminant control (excluding requirements for the health aspects of tobacco smoke exposure)
- AS1680.1: Interior and workplace lighting: Part 1: General principles and recommendations
- AS1680.2.2: Interior lighting: Part 2.2: Office and screen-based tasks
- AS3590.2: Screen-based workstations: Part 2: Workstation furniture
- AS4442: Office desks
- AS4438: Height adjustable swivel chairs.

Key standards relevant to laboratory safety include:

- AS2243: Safety in laboratories Series: Part 1 Planning and operational aspects
- AS/NZS IEC 60825.1:2011 : Safety of laser products - Equipment classification and requirements
- AS/NZS IEC 60825.14:2011 : Safety of laser products - A user's guide
- AS4031-1992/Amdt 1-1996: Non-reusable containers for the collection of sharp medical items used in health care areas.

Key standards relevant to electrical safety include:

- AS3000: Electrical Installations
- AS3760: In-Service Safety Inspection And Testing Of Electrical Equipment
- AS3820: Essential safety requirements for electrical equipment
- AS/NZS 3111:2009, Approval and test specification - Miniature overcurrent circuit-breakers
- AS/NZS 3190:2011, Approval and test specification - Residual current devices.

Key standard relevant to machinery include:

- AS4024: Safety of machinery – General principles – Technical principles.

Key standard relevant to testing and tagging include:

- AS3760: In-service inspection and testing of electrical equipment
- AS3017: Electrical installations.

Key standards relevant to confined space include:

- AS2865: Confined Spaces.

Key standards relevant hazardous substances include:

- AS1894: The Storage and Handling of Non-flammable Cryogenic and Refrigerated liquids
- AS1940: The Storage and Handling of Flammable and Combustible Liquids
- AS3780: The Storage and Handling of Corrosive Substances
- AS3833: The storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers
- AS4326: The Storage and Handling of Oxidising Agents
- AS4332: The Storage and Handling of Gases
- AS4452: The Storage and Handling of Toxic Substances.

## 11 Legislative Compliance Review

The following outlines the process of reviewing WHS documentation in terms of ensuring legislative compliance.

### 11.1 Scope

A legislative compliance review assesses the University's policies, guidelines or procedures of the WHS management system against any legislative, industry codes of practice or standards at the desktop level.

### 11.2 Frequency

Legislative compliance reviews are conducted when WHSMS documentation is due for review or due to external changes, e.g. changes or introduction of legislation, codes of practice or national standards.

### 11.3 Competency Requirements

Persons conducting a legislative compliance review on WHSMS documentation are to possess the necessary qualifications, skills and experience of the area being audited.

### 11.4 Methodology

The policy or procedure requiring review shall be assessed for compliance of the requirements of any applicable legislation, codes of practice or national standards and referred to in the document.

The review shall include identifying and referencing legislative requirements related to the policy, guideline or procedure and incorporating these needs into the process.

### 11.5 Results

The revised policy, guidelines or procedures as a result of legislative compliance review are to be communicated to the University's WHS Committee for consultation. This primarily includes the change or addition of legislation, codes of practice or Australian Standards.

## 11.6 Corrective Actions

Corrective actions to WHS policy, guidelines or procedures to remedy non-compliance to legislative requirements will be implemented and monitored by the Health and Safety Advisor. These corrective actions shall be communicated to the University WHS Committee and any other relevant personnel for action if required.

## 12 Related Documents.

- For the implementation of specific legislative requirements please refer to the University's [UOW WHS Web Site](#)
- [WHS Training Guidelines](#)

## 13 Program Evaluation

In order to ensure that these guidelines continue to be effective and applicable to the University, they will be reviewed regularly by the WHS Unit in consultation with the WHS Committee. Conditions which might warrant a review of the guidelines on a more frequent basis would include:

- reported hazards or injuries
- non-conforming systems
- WHS Committee concern.

Following the completion of any review, the program will be revised/updated in order to correct any deficiencies. These changes will be communicated via the WHS Committee.

## 14 Version Control Table

<b>Version Control</b>	<b>Date Released</b>	<b>Approved By</b>	<b>Amendment</b>
1	June 2003	Manager WHS	New document created
2	June 2004	Manager WHS	Content review and formatting
3	October 2006	Manager WHS	Content review and formatting
4	January 2009	Manager WHS	Review in accordance with the National Audit Tool
5	May 2009	Manager WHS	Minor changes required.
6	April 2010	Manager WHS	Minor review, no significant changes.
7	August 2010	Manager WHS	Document updated to incorporate the Personnel name change to Human Resources Division.
8	March 2012	Manager WHS	Rebrand.
9	July 2012	Manager WHS	WHS name change and updated to incorporate model legislation changes.
10	March 2013	Manager WHS	Minor update
11	September 2015	Manager WHS	Minor update – WorkCover NSW to SafeWork NSW
12	June 2016	Manager WHS	Rebrand