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## **Status of the Review of OHS&W Regulations in South Australia and Codes of Practice**



## Summary of the “two reviews”

- Consideration of the national reforms, the State review of OHS&W Regulations program is being undertaken in two main parts
- First is the review of Parts 1, 2 and 6
- The second is the review of Part 5
- Parts 1, 2 and 6 cover the general principles or general workplace or administrative arrangements.
- Part 5 relates to Hazardous Work



## Why Review SA Regs when national reforms are on the horizon

- The proposals for any amendments are cognisant of the likely outcomes for national reform proposals
- Sensibly, review of SA's Regs enable an informed position for consideration of national proposals
- This means each stage of development of SA proposals have been undertaken with a great deal of consultation with our State's stakeholders
- Parts 3 & 4 yet to be assessed, likely to adopt national standards & codes



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## Parts 1, 2 and 6 – the First Review Process well advanced

- Aim is to adopt best practice, clear standards, simplify compliance and reduce red tape
- The proposals have undergone an intensive business cost calculation
- Checked by experts within government and by an independent auditor
- Given that a key term of reference was red tape reduction the proposals fulfil that goal
- Draft proposals can be grouped into 13 amendment areas
- Within the next few months draft regulations based on these 13 areas will be released for further consideration



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## Parts 1, 2 and 6 – the First Review

### What are the proposals for amendment?

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- 1. Restructuring, renaming and updating**
- 2. Minimising cross references**
- 3. Clarifying the need for duty holders to work cooperatively**
- 4. Clarifying consultation requirements**



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## Parts 1, 2 and 6 – Division 6.1 Health and Safety Representatives

### Similarities with National proposals:

- HSRs generally consistent with SA legislation in:
  - election and work group representation
  - requirement for HSR to consult
  - payment for the course and
  - paid time off to perform functions & attend training

### Differences:

- HSR entitlements less than current SA – proposed 5 day course with one day's refresher training per year
- HSR cannot issue a default notice or direct work to cease unless training has been undertaken



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## Parts 1, 2 and 6 – Division 6.2 H&S Committees

### Health and Safety Committees

- Consistent with current SA legislation, Committees to be established when requested by an HSR or 5 or more workers in workplaces with 20 or more workers
- National Review Panel proposed “must include equal membership”
- WRMC did not support with this wording.
- They proposed “at least half the members should be workers”
- Silent on training for H&S Committees



## Parts 1, 2 and 6 – the First Review

### What are the proposals for amendment?

#### 5. Relocating requirements to the First Aide Code

- A draft of a new Code released for comment and responses are currently being considered
- Proposal is likely to encourage a more flexible arrangement for sickness, eg, Reg 2.2.8 details what should be in place if a person becomes ill
- Many were unaware of this and may be better placed in an Approved Code of Practice
- This eliminates the need for referencing 2 documents
- Preserves the enforceability of the requirements



## Parts 1, 2 and 6 – the First Review

### What are the proposals for amendment?

#### 6. Removing references to Australian Standards

- A big red tape reduction winner, based on the COAG agreement to remove referencing within the text of the regulation except for specific purposes such as definitions or methods of testing.
- However, care must be taken.
- The COAG agreement can be recognised by Aust Standards gazetted as ACOPs, thereby maintaining a minimum standard and giving greater flexibility whilst preserving the enforceability of requirements



## Parts 1, 2 and 6 – the First Review What are the proposals for amendment?

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- 7. Fixing inconsistencies**, eg fragile roofing Standards
- 8. & 9. & 10, Fire safety, Personal Protective Equipment and Air Supplied Respiratory Equipment**, eg improvements in the use of Standards
- 11. Remote and Isolated Work**  
eg improvements due to technology advances
- 12. Confidentiality of Health Records**  
eg release of information when appropriate
- 13. Improving clarity of Notification of certain occurrences**, eg removing ambiguity and aligning to national proposals



## The Review of Australian Standards, Codes and guidance material

- Deliberately included and was the issue most commented on in submissions
- Many submissions indicated no problem with the Regulation, but uncertainty with practical application and use of Standards and Codes
- An example – fire extinguishers in cars. Because the car is burning, the standard does not mean putting out a burning car that may be about to explode
- Nnooo. RUN LIKE HELL!
- Whereas if your exhaust pipe starts grass fire, then use the Fire Extinguisher, or minor car electrical fire





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## The Review of Australian Standards, Codes and guidance material


### Improving access to and information about:

- how standards and codes work
  - which duty holders they apply to
  - what part of the standard or code applies
  - guidance on how compliance can be achieved
- ✓ **These are the areas that can greatly assist businesses, workers, contractors and others in compliance – work has already started**



## The Review of Australian Standards, Codes and guidance material


### The feedback from submissions says:

- Australian Standards should not be referenced in the Regulations unless for the reasons described by the COAG agreement
- eg technical and scientific evidence essential and known to reduce injury, enable safe practices & result in a healthy work environment
- Did we listen?
- Yes we did. A small cartoon character of a man in a blue suit and glasses, standing with his hands on his hips.
- Proposal will be that all references in regulations to Australian Standards, eg safety signs, skylights and fire extinguishers be removed.



## The Review of Australian Standards, Codes and guidance material

### The feedback from submissions says:

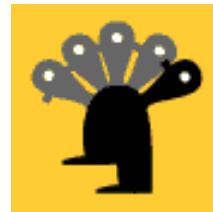
- Australian Standards should be dated.
- Did we listen?
- Yes we did. A small, pixelated cartoon character with a pink face, wearing a blue shirt and purple pants, standing with its hands on its hips.
- Proposal will be that all Australian Standards be dated.
- This means for current ones an administration process to enable gazettal
- For future ones, automatic adoption will not occur until consultation via the SWSA Advisory Committee enables such adoption



## The Review of Australian Standards, Codes and guidance material

### The feedback from submissions says:

- It is difficult for employers to work out which Australian Standards they need to have.
- The Standards are too expensive.
- The Standards are too technical to understand.
- Did we listen?
- Yes we did.
- Using guidance material, eg using the supply chain to provide information on the selection and use of PPE would reduce the need to purchase 5 of the 6 Standards relevant to employers.





## The Review of Australian Standards, Codes and guidance material

### The feedback from submissions says:

- The information available from SafeWork SA about the status of Australian Standards and “who” are they relevant to sometimes is difficult to quickly find and understand.
- Did we listen?
- Yes we did.
- Targeting the Standards to the right duty holder
- Consideration “at a glance” of a page on the website that provides a summary of the status.





## The Review of Australian Standards, Codes and guidance material

### The feedback from submissions says:

- Inconsistencies with the Building Code.
- Did we listen?
- Yes we did.
- We have already listened and moved forward.
- Met with Planning SA.
- Taken a stock take of the Building Code to identify duplications and inconsistencies.
- Considering opportunities to develop a MOU with relevant bodies





## Review of Part 5 – Hazardous work

- Review of Part 5 has been undertaken in an entirely different process to that of Parts 1, 2 and 6
- A discussion paper has been released providing proposals
- Development of proposals occurred with key industry groups and specialists and technical advisors helping us
- This was useful given the nature of the Part 5 Regulations which are sometimes across industry, or specific to a small group of industries – but always very technical and specialised



## Summary – why do an overlapping review?

- The proposals we are considering align exceedingly well to the National proposals
- They enable stakeholder input in both State and National developments
- They inform the national developments
- They put SA at the leader of the pack
- They reduce red tape for businesses and as it has turned out, in a significant way
- Businesses aren't the only winners, the proposals improve understanding of practical application for everyone, workers, building owners, contractors.



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