

QSCU OHS&R MANAGEMENT SYSTEM

PROCEDURE 3 – OHS&R LEGAL REQUIREMENTS

1. PURPOSE

This procedure describes requirements for identifying and monitoring compliance with legal requirements relating to OHS&R management. It also describes the requirements for managing site or workplace inspections conducted by authorised organisations. Typically, these are conducted by WorkCover or WorkSafe Authorities, Unions and other regulatory agencies.

Note: In all state jurisdictions, the WorkCover / WorkSafe Authority maintains the right to enter a place of work. In NSW and Victoria, authorised representatives from unions have the power to enter a place of work if they have reasonable ground to suspect a breach of OHS law has occurred.

Officers from other regulatory bodies, such as EPA or customs also have the right of entry under certain circumstances.

WorkCover / WorkSafe Authority inspectors are entitled to enter a place of work at any time and have the authority to:

- Inspect, examine and assess machinery, equipment and plant for compliance to regulations governing its design and use.
- Take samples of substances, products, or any other objects related to suspected breaches of legislative requirements.
- Issue Improvement Notices and Prohibition Notices
- Issue penalty notices
- Take photos, measurements, recordings for use as evidence.
- Take machinery, plant or other items for use as evidence or for further testing.
- Examine, copy or retain computer records, e-mail or any other documents.
- Arbitrate disputed notices or workplace stoppages initiated by WorkCover / WorkSafe, OHS Representatives or Registered Union Representatives.
- Involve assistance from; technical experts, interpreters, police or other emergency services.

2. MANDATORY REQUIREMENTS

1. All sites / branches shall comply with all applicable legal requirements.
2. Employees shall be trained in all legal requirements relevant to their responsibilities.

QSCU OHS&R MANAGEMENT SYSTEM

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3. Copies of any laws, acts, regulations, licences and permits, codes of practice and standards kept on site shall be either:
 - maintained under document control; or
 - marked to warn potential users to check for currency before use.
4. Executive Managers shall undertake relevant OHS&R legislative training on a periodic basis.
5. Any significant actual or potential OHS&R breaches shall be reported to General Manager Operations immediately, an investigation conducted, an action plan established and legal advice sought where relevant.
6. In all cases, authorised officers (i.e. WorkCover NSW) who visit one of the company's sites / branches shall provide identification and a reason for their visit.
7. The Site / Branch Manager being visited by an authorised officer shall
 - notify the General Manager Operations or their nominated responsible person when an authorised officer has turned up at a QSCU controlled site
 - ask the authorised officer to provide a reason for the visit
 - ask the authorised officer to provide proof of identification

Once instructed by the General Manager Operations, who will approve the authorised officers legitimacy, the Site / Branch Manager shall;

- provide assistance as required to all authorised officers whom have proven a legitimate right of entry (it is an offence to hinder or misled an appointed authorised officer).
 - Allow access to agreed authorized offices and accompany them on their visit.
 - Allow and accompany all personnel to attend interviews and assist the authorised officers as requested.
 - Provide copies of relevant records or documents as requested.
 - Document, who, what, where, when, why details of any visit by an Authorized Officer & keep records indefinitely.
 - Seek legal advice if and when relevant.
8. OHS&R Legislative training records shall be retained indefinitely.
 9. Regular reviews of this procedure shall be conducted to ensure compliance with the mandatory requirements.

3. RESPONSIBILITIES

Site Manager/Supervisor

Ensure that staff (and contractors) attend and participate in legislative training as required in this procedure.

QSCU OHS&R MANAGEMENT SYSTEM

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4. REFERENCE DOCUMENTATION

- a. IDENTIFIED AUSTRALIAN AND NEW ZEALAND LEGISLATION.

UNCONTROLLED DOCUMENT