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Webinar:

2024-25 Regulatory Priorities and WHS Consultation, Cooperation and Coordination

Wednesday 03 July 2024, 1.30pm – 3.00pm AEST





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Acknowledgement of Country

Acknowledgement of artist
Healing Hands – Cover artwork by Dion Devow of Darkies Designs



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Housekeeping



The session is being recorded



Camera off



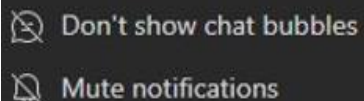
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Teams Chat

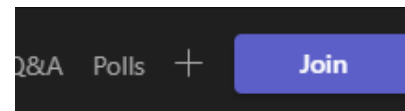
Turn off notifications:

- Click on the three dots '...' (more)
- Then 'settings'
- Click on 'Mute notifications'



MS Teams Polls

- The Live Polls will display on your screen as a prompt, or
- Use the banner on the top of your screen to access 'Polls'



- Having difficulties? Reply in the chat



Survey

Access the survey:

- QR Code
- Link
- Email



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National Conference

20-21 August 2024

**National Convention Centre
Canberra**



Collaboration for prevention and change





Keynote speakers



Emma Alberici MC



Stan Grant



Magda Szubanski



Dr Dinesh
Palipana



Osher Günsberg
Conference dinner
speaker



Georgie Harman



Kate Jenkins



Kirk Docker



Dr Stefan
Hajkowitz



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Collaboration for prevention and change





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Session Overview

Session 1	Session 2	Session 3	Session 4
Regulatory Priorities	Consultation, Cooperation and Coordination – Your WHS duties	Proactive Inspection Program	Panel discussion
Presenters	Presenters	Presenters	Presenters
Bev Smith & Peter Davies	Lachlan Abrahams & Andrew Crane	Peter Davies & Mick Foster	Bev Smith, Peter Davies, Patrick Donnellan & Mick Foster



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Regulatory Priorities

Bev Smith, Senior Director of National Operations,
Regulatory Operations Group, Comcare



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Proactive Program

Comcare's Ongoing Proactive Program

1st Pillar

Fundamental
WHS systems –
focus changes
each year

2nd Pillar

PCBU and
broader
jurisdiction's
abilities to
adapt with
WHS changes

3rd Pillar

Targeted harm
reduction
based
on analysis

Our aim:

By the end of the program, we aim for PCBUs to have systems or arrangements in place that enable them to meet their duties and obligations under the WHS Act



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Regulatory Priorities

Psychosocial hazards

Body stressing

Contractor management

Being hit by moving objects

Silica

WHS management systems



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Psychosocial hazards

Why is this a priority?

- Prevention of harms associated with psychosocial hazards is a key focus

How will this priority be addressed in 2024-25?

- Full scale implementation of the Psychosocial Inspection Program
- Psychosocial Health and Safety Forum (October 2024)
- Webpage
- Information on request

Resources:

www.comcare.gov.au



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[*Comcare Psychosocial Health and Safety Forum - 15 May 2024 \(youtube.com\)*](#)





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Body stressing

Why is this a priority?

- Body Stressing is the highest cause of injury in the jurisdiction.

How will this priority be addressed in 2024-25?

- Detailed data analysis of available data
- Focus on hazardous manual tasks

Resources:

www.comcare.gov.au



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[Body stressing, musculoskeletal disorder and Good Work Design webinar \(youtube.com\)](#)





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Contractor Management

Why is this a priority?

- Complex contract management arrangements are identified as a persistent WHS challenge
- WHS incident data shows a high number of notifications involve contractors

How will this priority be addressed in 2024-25?

- Inspectorate tool for compliance assessments of contractor management arrangements following notified incidents
- Data collection and trend analysis

Resources:

www.comcare.gov.au



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[Webinar: Contractor management and regulatory process enhancements \(youtube.com\)](#)





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Being hit by moving objects

Why is this a priority?

- Being hit by moving objects is one of the most common causes of workplace injuries in Australia
- Highest prevalence in construction, transport and logistics industries

How will this priority be addressed in 2024-25?

- Bi-annual Transport Network Forums
- Major Infrastructure Projects Team engagement

Resources:

www.comcare.gov.au



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[Transport Network Forum | Comcare](#)





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Silica

Why is this a priority?

- Australian WHS Strategy aims to have no new cases of accelerated silicosis by 2033
- Amended WHS Regulations from 1 July 2024

How will this priority be addressed in 2024-25?

- Provision of information and advice to PCBUS relating to amended WHS Regulations and updated duties

Resources:

www.comcare.gov.au



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[WHS laws are changing | Comcare](#)





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WHS Management Systems

Why is this a priority?

- Effective WHS Management Systems are key to providing improved WHS performance and minimising harm
- Key enabler in reducing work related harms and fatalities

How will this priority be addressed in 2024-25?

- Proactive Inspections to be conducted with a focus on WHS Consultation, Cooperation and Coordination
- Inspectors will work with PCBU's to identify gaps and opportunities in the systems, and discuss better practice

Resources:

www.comcare.gov.au



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WHS Management Systems

Preliminary findings of 2023-24 Inspection Program

1



30% of systems lacked clear definition of roles and responsibilities

2



25% of systems lacked processes to meet notification requirement specifications

3



40% of systems lacked clear documentation process displaying notices

4



20% of systems did not clearly define emergency and immediate response requirements

5



25% of systems had no clearly defined review schedule of policies and procedures

6



25% of PCBU's did not have goals or measures to ensure incident management system/arrangements were effective

7



20% of inspections saw PCBU's unable to demonstrate how policies, procedures, or risk assessments were amended

8



Most PCBU's have evidence that training is monitored by management



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Consultation, Cooperation and Coordination

Lachlan Abrahams, Assistant Director, Education
Strategic Partnerships and Engagement, Comcare

Andrew Crane, Director, Education and Engagement
Strategic Partnerships and Engagement, Comcare



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Consultation, Cooperation and Coordination





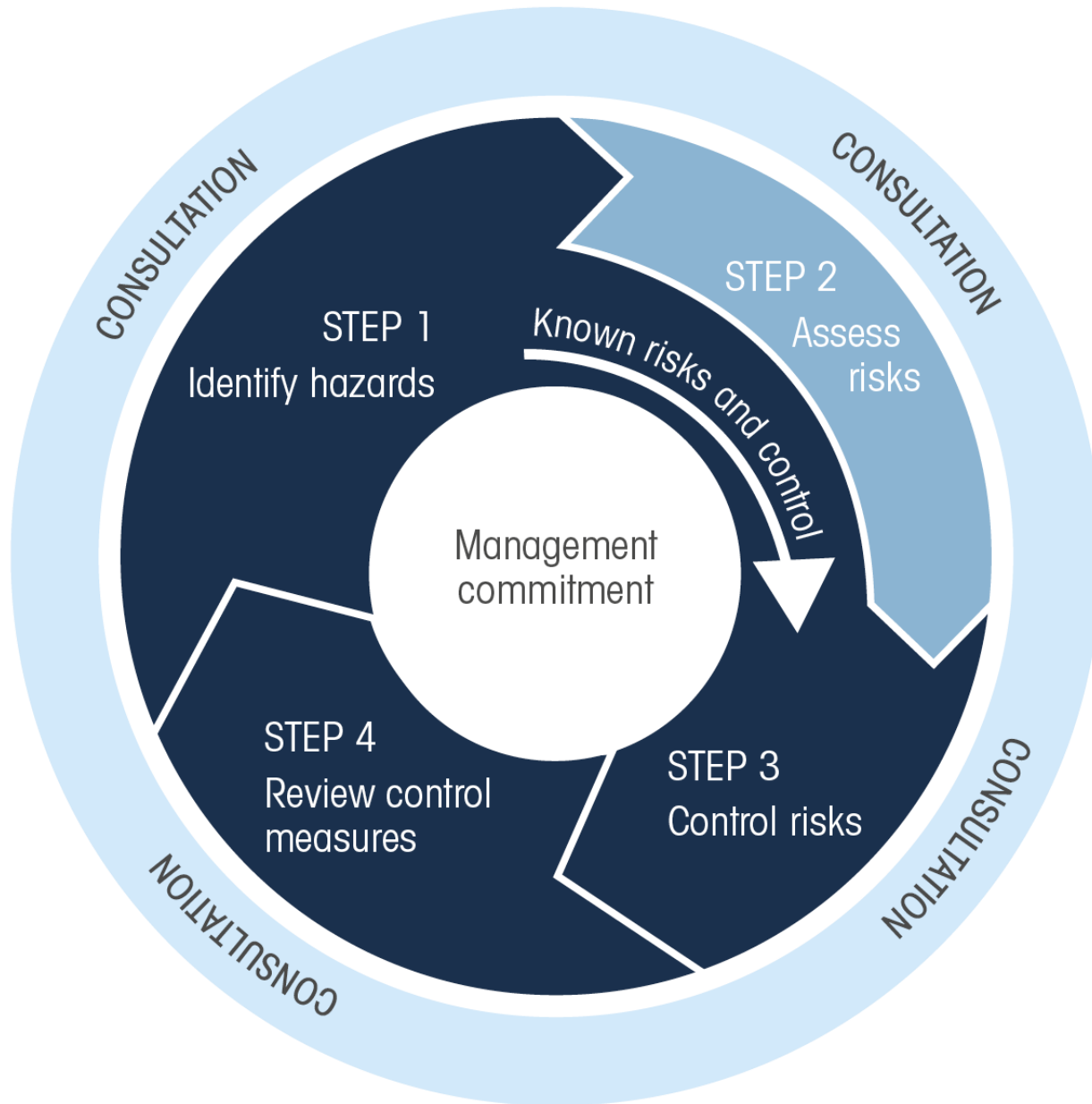
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Why is consultation important?



- Critical for effective management of health and safety risks.
- Assists in making informed and effective decisions
- Supports the identification of gaps or issues with shared/other duty holders
- Assists in developing and maintaining positive and productive working relationships.
- Encourages greater awareness and commitment to health and safety.
- A key aspect of the good work design process

It is also a legal requirement of the WHS Act.



WHS Risk Management

Consultation is integral to the ongoing management of risk in the workplace.

Consultation is an ongoing process.



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Consultation



Consultation is mandatory under the WHS Act.

- **WHS Act - Part 5 – Consultation, co-operation and co-ordination. Sections 46-49**

Your organisation **must** have consultation mechanisms in place to engage workers, HSR's and others on Work Health and Safety matters.



Duty to consult with other duty holders

If more than one person has a duty in relation to the same matter under this Act, each person with the duty must, so far as is reasonably practicable, **consult**, **co-operate** and **co-ordinate** activities with all other persons who have a duty in relation to the same matter.



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What does that mean?



All parties involved need to
**Consult, Co-operate and Co-
ordinate** to maintain a safe work
environment



Duty to Consult Workers

A person conducting a business or undertaking (**PCBU**) **must**, so far as is reasonably practicable, consult with **workers** who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.



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What does that mean?



PCBU's have a responsibility to consult 'workers'.

Workers can include employees, contractors, sub-contractors, volunteers and others.

(not just employees)



Nature of Consultation

Consultation under this Division requires:

- a) that **relevant information** about the matter is **shared** with workers; and
- b) that workers be given a reasonable **opportunity**:
 - I. to **express** their views and to **raise work health or safety issues** in relation to the matter; and
 - II. to **contribute** to the decision-making process relating to the matter; and
- c) that the views of workers are **taken into account** by the person conducting the business or undertaking; and
- d) that the workers consulted are **advised of the outcome** of the consultation in a timely manner.



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What does that mean?



PCBU's need to provide **relevant information** in order to get **relevant feedback**.

Step 1 – Provide workers opportunity to express their views and raise WHS issues

Step 2 – Give workers opportunity to contribute to the decision-making process

Step 3 – Take the views of workers into account

Step 4 – Advise workers of the outcome in a timely manner.



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Section 48 (2)



If the workers are represented by a **Health and safety representative**, the consultation **must** involve that representative.



What does that mean?



Consulting with HSRs also involves:

- Providing relevant information
- Opportunity to express views and contribute to the decision-making process
- Communication of outcomes in a timely manner.
- Inclusion in worksite inspections could also be considered an aspect of consultation



When is Consultation Required

Consultation is required in relation to the following health and safety matters:

- a) when **identifying hazards** and **assessing risks** to health and safety arising from the work carried out or to be carried out by the business or undertaking;
- b) when making decisions about **ways to eliminate or minimise those risks**;
- c) when making decisions about the adequacy of **facilities for the welfare of workers**;
- d) **when proposing changes** that may affect the health or safety of workers;

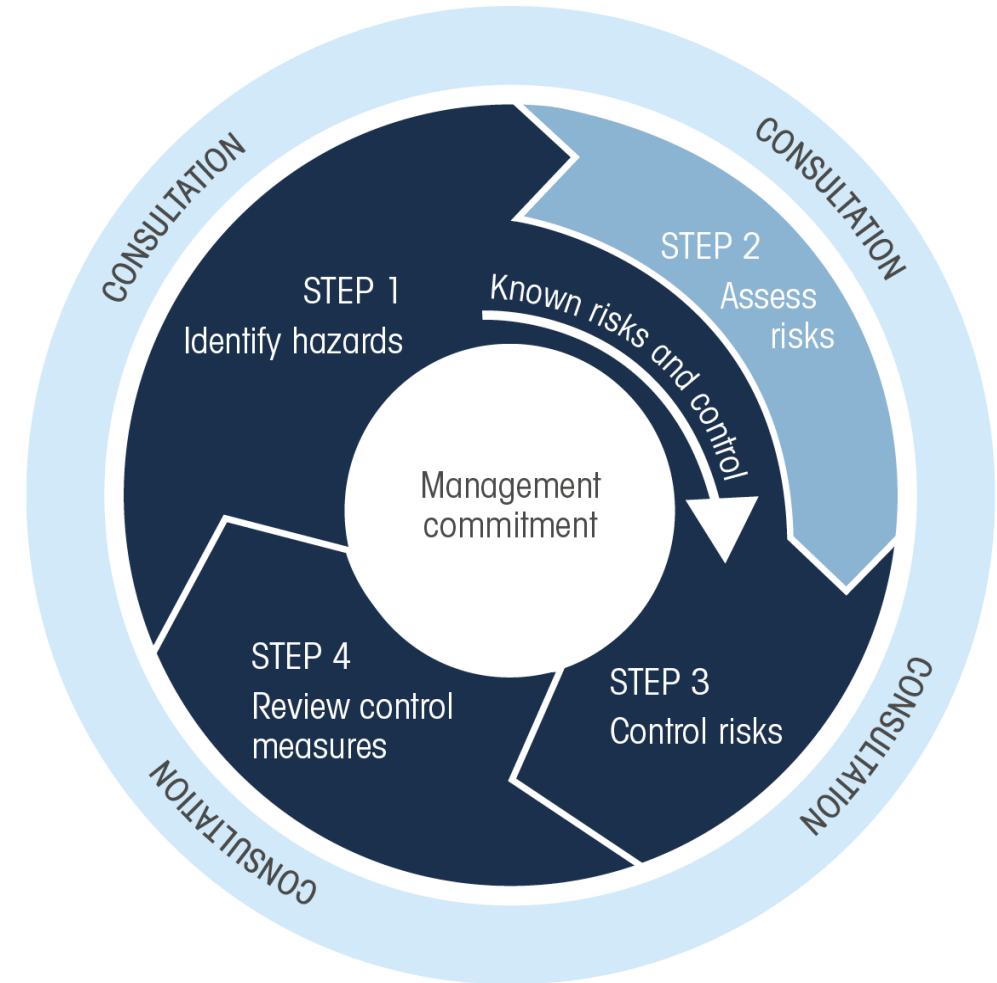


What does that mean?



Consult:

- Throughout the Risk Management process
- Adequacy of facilities
- When proposing changes





When is Consultation Required

Consultation is required in relation to the following health and safety matters:

- (e) when making decisions about the procedures for:
 - (i) consulting with workers; or
 - (ii) resolving work health or safety issues at the workplace; or
 - (iii) monitoring the health of workers; or
 - (iv) monitoring the conditions at any workplace under the management or control of the PCBU; or
 - (v) providing information and training for workers;



What does that mean?



Consultation is required when making procedures for:

- How you consult with workers;
- How you resolving work health or safety issues
- How you monitor the health of workers
- How you monitor the conditions at the workplace



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How to consult



Consultation can be conducted through health and safety representatives (HSRs) or a health and safety committee (HSC).

- **HSRs:** Engage in the particular health and safety issues relevant to the workgroup they represent.
- **HSC:** A health and safety committee brings together workers and management to assist in the development and review of health and safety policies and procedures for the workplace.



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How to consult



Consultation can be as simple as talking to your workers regularly and involving them in decisions about the work.

Managers & supervisors play a vital role in consultation.



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Effective Consultation



- **Regularly** talk about health and safety matters.
- **Listen** to concerns and **raise** concerns.
- **Seek & share** views and information.
- **Consider** what workers say before making decisions.
- Provide **feedback** and make a **record**.



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Summary



WHS Consultation is a legal requirement

It is also the key for effective management of WHS

For more information:

- [WHS Consultation - Code of Practice](#)
- eLearn – WHS committees
- eLearn – An introduction to Health and Safety Representatives

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Proactive Inspection Program

Peter Davies, Director, Regional Operations
Regulatory Operations Group, Comcare

Mick Foster, Assistant Director, Regional Operations
Regulatory Operations Group, Comcare



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Proactive Inspection Program

What is Comcare doing?

Why is Comcare doing it?

What can you expect?

What could/should you do to prepare?



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Proactive Inspection Program

Comcare's Ongoing Proactive Program

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Our aim:

By the end of the program, we aim for PCBUs to have systems or arrangements in place that enable them to meet their duties and obligations under the WHS Act



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What is Comcare doing?

Comcare will conduct inspections with every PCBU to ensure PCBU's have effective systems and arrangements in place to:

- Consult with workers and their representatives
- Consult, cooperate and coordinate with other PCBU's who share WHS duties
- Effectively resolve WHS issues



Why is Comcare doing it?

- Comcare has identified four critical components that deliver the greatest impact on safety outcomes.

➔ To ensure that PCBU's have suitable systems or arrangements in place to meet their duties and obligations for **consultation, cooperation and coordination**.

- Effective arrangement assist in enabling PBCU's to self regulate





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What can you expect?

Comcare's process:



Phone call

- Seek Point of Contact
- Initial call to coordinate interaction



Information gathering

- Collection of policies and procedures
- Review of documents



Site visit

- Data review
- System application
- Engagement



Inspector report

- Outcomes and actions
- Verification inspection (where required)



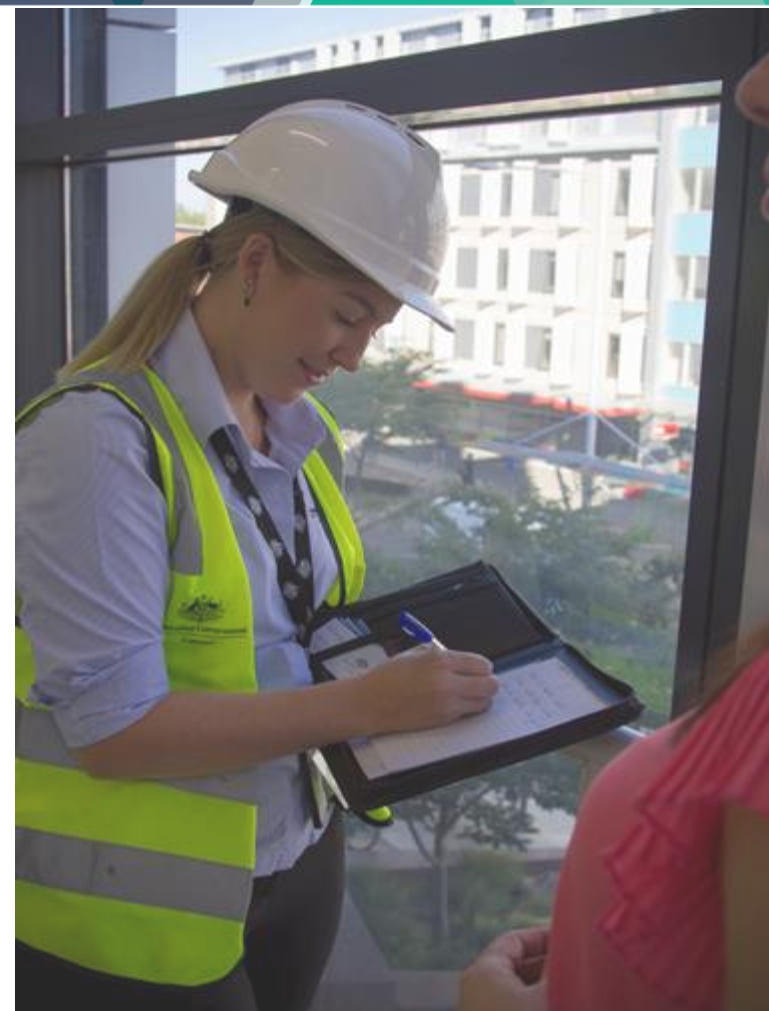
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What can you expect?

Comcare's approach

- **The aim** is to ensure systems/arrangements are in place to meet their duties
- We want efficient and engaging inspections
- Cooperative approaches reduce the requirement for the use of the inspectors' enforcement powers to almost zero.
- No 'one-size-fits-all' approach; consider what is reasonable in the circumstances?





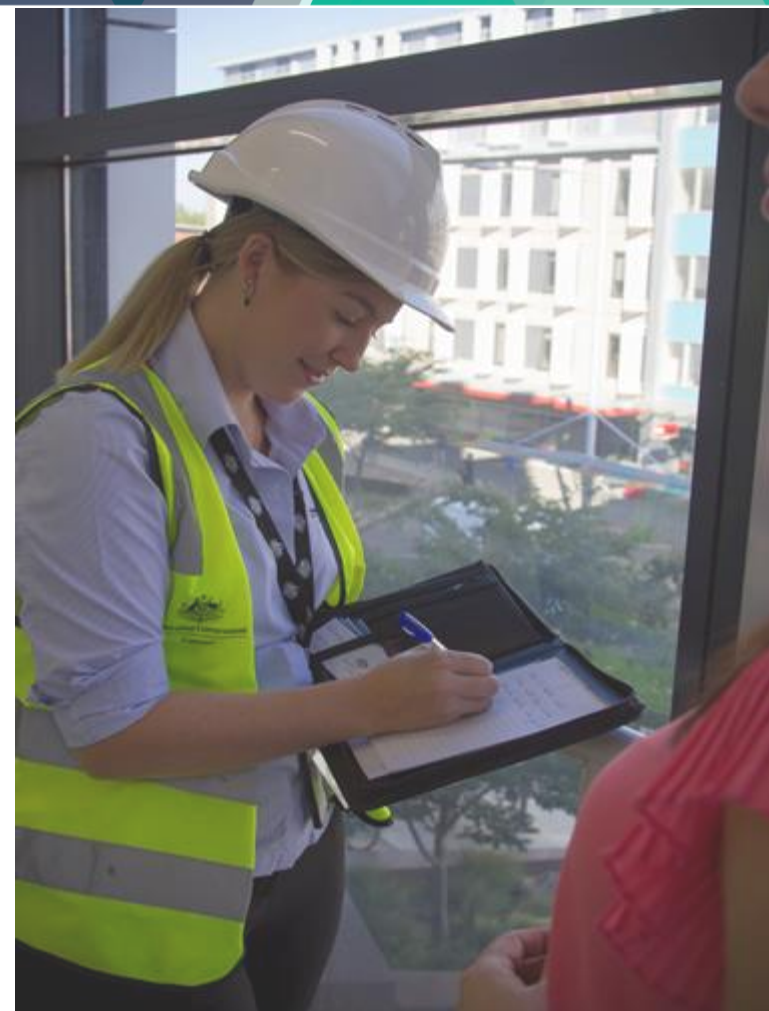
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What can you expect?

Inspector assessment

- The Inspector will assess whether the PCBU has arrangements in place that should enable it to meet its duties and obligations in relation to **consultation, cooperation and coordination**.
- Potential gap/anomaly = more detailed inquiries to determine if this has led to a non-compliance.
- We encourage actively engaging with the inspector(s) to identify a solution (prior to finalising the Inspector report)





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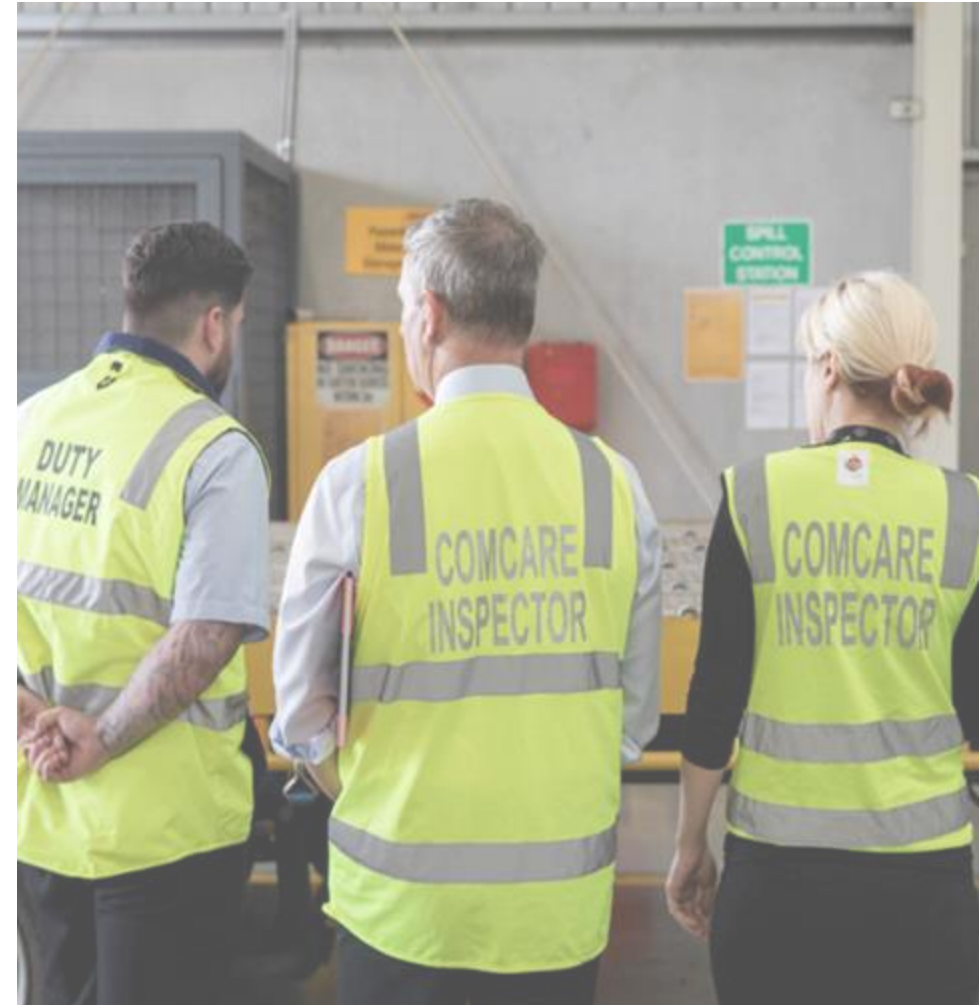
What should/could you do?

Inspector assessment

Do not stop work on higher priority WHS concerns, unless you believe it is warranted

Prepare for the inspection by considering:

- Are you confident that you have systems/arrangements in place that permit you to meet relevant duties/obligations?
- And you know, through regular monitoring, they are in use and effective?



Proactive Inspection Program Summary

Key takeaways

- Take a collaborative approach to improve health and safety in the jurisdiction
- Do not stop work on your highest WHS priorities
- Consider whether your system is suitably comprehensive given your organisation's context:
 - Requirement for consultation, cooperation, and coordination are identified and systemically embedded in business practices.
 - active monitoring occurs to ensure it is in use and effective.
- This will better enable duty holders to meet their duties and obligations under the WHS Act and, through this, improve health and safety in your workplace



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Panel discussion

Bev Smith, Senior Director, National Operations
Regulatory Operations Group, Comcare

Peter Davies, Director, Regional Operations
Regulatory Operations Group, Comcare

Patrick Donnellan, Director, Regional Operations
Regulatory Operations Group, Comcare

Mick Foster, Assistant Director, Regional Operations
Regulatory Operations Group, Comcare



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Feedback Survey

Thank you for attending

Please take a moment to complete our short evaluation survey



If you have further questions, you can reach out to Comcare's WHS Helpdesk on

1300 366 979 - WHS.help@comcare.gov.au



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