

Work Health & Safety Obligations

Users of Plant and Equipment (VIC)



Mandatory Obligations	OHS Act 2004 Section 20 & 21		Primary Duty of Care Primary Duty of Care creates the primary duty to ensure as far as reasonably practicable provision of safe plant & structures, safe systems of work, information training and supervision.
	The full ACT can be viewed here	The full Regulations can be viewed here	
	OHS Act 2004 Section 21 (2)(b)	OHS Regulations 2007 Reg. 3.5.23-3.5.24	As Far As Reasonably Practicable The risk assessment process (identify hazards, assess risks, implement controls) is critical in determining what is <i>reasonably practicable</i> in providing safe plant, safe systems of work, information, training & supervision.
	OHS Act 2004 Section 21 (2)(e)	OHS Regulations 2007 Reg. 2.1.2 & 3.5.45	Provide Information, Training & Supervision Clarifies the positive obligation to ensure <i>as far as reasonably practicable</i> the provision of information, training & supervision necessary to protect all persons from risks to health.
	OHS Act 2004 Section 20	OHS Regulations 2007 Reg. 3.5.23-3.5.24 Reg. 3.5.25-3.5.43 Reg. 2.1.2 & 3.5.45	Plant Owners and Users Must: 1. Follow the hazard identification, risk assessment and control process (Reg. 203 & 32-38) 2. Ensure plant meets certain specific design and maintenance criteria (Reg. 205 - 226) 3. Provide a safe environment - this includes following the hazard identification, risk assessment and control process (Reg. 32-38) for workplaces and tasks 4. Provide instruction, training and supervision (Reg. 39) for users of plant and others
		OHS Regulations 2007 Reg. 3.5.47-3.5.51	Registered Plant – Additional Duties Registered Plant includes: certain lifting devices and attachments, pressure vessels, some amusement devices, prefabricated scaffold and formwork and concrete pumps (Schedule 5 parts 1 & 2) Suppliers and owner / users have additional obligations to inspect, test, keep records, register and inspect these plant items.
	OHS Act 2004 Section 20, 21 & 23	OHS Regulations 2007 Reg. 3.5.23-3.5.24	Contractor & Subcontractor Management There is a fundamental obligation upon duty holders to ensure the safety of contractors and subcontractors.

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<p>Regulator Guidance Material</p>	<p>The Safety Regulator for each jurisdiction issues guidance material on specific safety issues.</p> <p>Guidance materials are designed to elaborate on HOW to satisfy the obligations set down by the legislation. Guidance covers a very broad variety of topics such as excavation work, hazard identification & risk assessment, various specific plant & equipment issues etc.</p> <p>A catalogue of Victorian compliance codes are available here</p> <p>WorkSafe Victoria has been a prolific issuer of guidance material, a catalogue of which is available here</p>	<p>Following regulator guidance is not mandatory; however failure to meet or exceed the guidance may be used in a prosecution as evidence of a failure to satisfy "duty of care" obligations.</p> <p>Whilst there is a multitude of guidance material available, The Plant Code of Practice (1995) is a valuable guide to managing plant safety. It covers plant supplier and user duties and is recommended reading. Note - the numbered references to the Regulation in this document have not been updated to the latest (2007) regulations.</p> <p>Plant Assessor applies the specific requirements of relevant guidance material in the context of a plant hazard assessment.</p>
<p>Industry Knowledge</p>	<p>There is an underlying requirement in the WHS legislation that duty holders must be conscious of the existence and further development of "industry knowledge" relating to management of safety hazards and risks.</p> <p>The most well-known examples of industry knowledge are Australian and International Standards; however industry knowledge can be contained in a multitude of medium, including for example industry association publications.</p>	<p>This is probably the most difficult information for duty holders to keep abreast of. Examples of some highly important Australian Standards relating to plant include:</p> <p>AS 4024 (series) – Safety of machinery AS 1418 (series) – Cranes, hoists and winches AS 2550 (series) – Cranes, hoists and winches – safe use AS 2294 (series) - Earth-moving machinery - Protective structures AS/NZS 2153 (series) – Tractors and Agricultural Machinery AS 1657 – Fixed platforms, walkways, stairways & ladders – design & construction AS/NZS 1200 (series) – Pressure Equipment</p> <p>Plant Assessor condenses all of the relevant requirements of standards and applies them against specific plant types in the context of a plant hazard assessment.</p>