



*This document is under review, if you have any input, please email safety@unsw.edu.au.

HS730 Legislative Compliance Guideline

Introduction

To ensure that UNSW’s Health and Safety Management system complies with legislation it is vital that the University has a mechanism to enable changes in legislative requirements to be identified. This document outlines the process by which the HS Unit and campus community identifies applicable legislation, Codes of Practice and Standards and remains up to date with changes and ensures managers and staff are made aware of HS legislation and changes as they occur. This guideline also outlines the process for reviewing and updating HS documentation to reflect the legislation and changes.

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1. Scope

Legislation, Codes of Practice and Australian Standards applicable to UNSW’s HS Management System (HSMS) are identified in this document. 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.

2. Responsibilities

2.1. The Senior Manager HS Unit is responsible for ensuring that:

- A method exists for identifying and monitoring health and safety legislation, standards, codes of practice, agreements and guidelines relevant to the University.
- UNSW HS procedures reflect the requirements of such legislation.
- Any new or changed HS requirements are disseminated to the University as appropriate.
- Outdated information is discarded or marked to indicate it is no longer current.

2.2. Managers and supervisors

- Managers and Supervisors must ensure that procedures and protocols being developed in the local area must reference the relevant current legislation, standards or guidance material being used in the writing of their document.
- The risk management form and the safe work procedure reference the relevant legislation or standards.
- Managers and supervisors are also responsible for ensuring legislative compliance for activities under their responsibility.

3. Identifying and monitoring H&S legislation

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

The Senior Manager of the Health and Safety Unit shall identify any relevant new legislation, standards, codes of practices and agreements or changes and initiate a legislative compliance review for any relevant HSMS documentation.

3.1. Subscriptions include:

- OHS Alert;
- SafeWork NSW e-bulletin;
- Standards Australia online (University Library);
- Security Sensitive Biological Agents (SSBA) Bulletin
- Department of Agriculture Biosecurity Bulletin
- Animal Health Australia (AHA) Bulletin
- HURSOG
- AQIS Bulletin
- Chemwatch Bulletin
- Legal Firm Updates e.g., Norton Rose Australia News and Insights
- NSCA
- Australian Dangerous Goods
- National Safety Council of Australia
- Safe Work Australia updates
- Safety Institute of Australia bulletins
- **National Safety Council of Australia (NSCA) safety bulletin**

3.2. Memberships include:

- NSW Self Insurers Association.
- Association of Biosafety for Australia & New Zealand (ABSANZ)
- Australasian University Safety Association.
- NSW University Safety Association.

4. Referencing legislative requirements in H&S documents

HSMS documentation shall identify:

- The title of any relevant legislation, code of practice or Australian Standard, agreements or guidelines used in the writing of the document.
- The requirements of applicable legislation, code of practice, Australian Standard etc.



5. Communication of legislative information

Mechanisms are in place for alerting the UNSW community of new and changed legislative requirements. These legislative requirements are communicated through the University consultation mechanism including but not limited to Health and Safety Consultation Committee meetings, UNSW Health and Safety website and Health and Safety Newsletter.

Where appropriate, stakeholders may also receive communication directly via email of any changes or updates to legislation pertaining to their specific subject.

6. Access to legislation and guidance material

Access to current relevant health and safety legislation, standards, codes of practice, agreements and guidelines is primarily available through electronic media from the Health and Safety website including this document and other external internet sites. Where electronic information is inaccessible work units can contact the Health and Safety Unit who will organize hard copies of such legislation and guidance.

The Health and Safety Unit provides external links on the UNSW Health and Safety website to facilitate individuals accessing current legislative information. External links to sites containing relevant information include:

- SafeWork NSW.
- DECC (Radiation Control).
- Safe Work Australia.
- Australasia University Safety Association.
- Law Links - Australian Legal Institute Information

7. Specific Activities – Licensing / Notification / Certification requirements

For specific activities where legislation requires that there is a license, certificate of competency, notification to regulatory department, registration, approval, exemption, or any other type of notification, any person undertaking any of these activities is responsible for ensuring that they comply with all such requirements. Schedule 3 of WHS Regulation identifies specific high-risk work for which licenses are required. There are other legislations in addition to WHS legislation, that identify licensing, certification, and notification requirements.

The following list includes examples of university documentation detailing specific requirements for licensable activities applicable at UNSW:

- HS601 Radiation Procedure (Ionizing)
- HS327 Plant and Equipment Procedure [high risk activities]
- HS333 Dangerous Goods Placarding, Manifests
- HS335 Prohibited and Restricted Carcinogens
- HS323 Biosafety Procedure

H&S legislative requirements are incorporated into university activities through the following processes:

- Developing HSMS documentation.
- Documenting risk management plans.
- Developing safe work procedures.
- HS Induction and training.

Table 2 in UNSW's HS320 HS Training and Induction procedure outlines the mandatory training required to satisfy Specific Hazard HS competencies.

8. List of the most relevant Legislation and Guidance material for UNSW

8.1. Acts and Regulations

The overriding legislation for health and safety in NSW is:

- [Work Health and Safety Act 2011 \(nsw.gov.au\)](http://www.nsw.gov.au/work-health-and-safety-act-2011)
- [Work Health and Safety Regulation 2017 \(nsw.gov.au\)](http://www.nsw.gov.au/work-health-and-safety-regulation-2017)
- [List of codes of practice | SafeWork NSW](http://www.safeworknsw.gov.au/list-of-codes-of-practice)

Other legislation which is applicable to the University's HSMS is available on the Health & Safety website.



8.2. Codes of Practice

Codes of practice provide practical advice for achieving the standard of safety required by the Work Health and Safety legislation for a particular area of work.

Under the Work Health and Safety Act 2011 (WHS Act), codes of practice are admissible in court proceedings. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control, and rely on it to determine what is reasonably practicable in the circumstances. A person cannot be prosecuted for failing to comply with a code of practice.

A person with duties under the WHS Act can comply with their duties by following another method, such as a technical or industry standard, if it provides a standard of work health and safety equivalent to, or higher than, the code of practice.

The [Safe Work Australia](#) website provides Model Codes of Practice and guides that should be consulted as applicable. For example:

- [How to Safely Remove **Asbestos**](#)
- [How to Manage and Control **Asbestos** in the Workplace](#)
- [Confined Spaces](#)
- [Construction Work](#)
- [Work Health and Safety **Consultation Cooperation and Coordination**](#)
- [Demolition Work](#)
- [Managing **Electrical** Risks at the Workplace](#)
- [Excavation Work](#)
- [Managing the risk of **Falls** at Workplaces](#)
- [Managing the Work Environment and **Facilities**](#)
- [First Aid in the Workplace](#)
- [Labelling of Workplace **Hazardous** Chemicals](#)
- [Preparation of Safety Data Sheets for **Hazardous** Chemicals](#)
- [Managing Risks of **Hazardous** Chemicals in the Workplace](#)
- [Hazardous **Manual** Tasks](#)
- [Managing **Noise** and Preventing Hearing Loss at Work](#)
- [Managing Risks of **Plant** in the Workplace](#)
- [How to Manage Work Health and Safety **Risks**](#)
- [Welding Processes](#)
- [Safe Work Australia](#) has also produced several guides, for example:
- [Guide to the Model Work Health and Safety **Act**](#)
- [Guidance on the Interpretation of Workplace Exposure Standards for **Airborne** Contaminants](#)
- [Controlling Risks Associated with **Electroplating** guide](#)
- [Guidance of the Classification of **Hazardous** Chemicals under the WHS Regulations](#)
- [Health Monitoring for Exposure to **Hazardous** Chemicals - Guide for workers](#)
- [Health Monitoring for Exposure to **Hazardous** Chemicals - Guide for medical practitioners](#)
- [Hazardous Chemicals Requiring Health Monitoring](#)

Major Hazards Facilities guides. See the [major hazards facilities web page](#)

- [Safe Handling and Use of Carbon **Nanotubes**](#)
- [Guide to the model Work Health and Safety \(WHS\) **Regulations**](#)
- [Worker Representation and Participation guide](#)
- [Cranes guidance material](#)

8.3. Australian Standards

- Australian Standards are accessible for UNSW staff and students via UNSW Library, which holds a license to allow access to the standards online.
- The key standards used to develop UNSW's Health and Safety Management System (HSMS) include:
 - AS4804: Occupational Health and Safety Management Systems - General guidelines on principles, systems and supporting techniques
 - AS4801: Occupational Health and Safety Management Systems - Guidance for Use.
 - HB 436:2004 (Guidelines to AS/NZS 4360:2004)
Risk Management Guidelines Companion to AS/NZS 4360:2004
 - AS/NZS ISO 19011 - Guidelines for Quality and/or Environmental Management Systems
- Staff using specific Australian Standards in their activities will also be responsible for ensuring the most current version is being applied and that any updates are applied and communicated.

8.4. Legislative Compliance Review

UNSW's HSMS will be reviewed whenever there is a change of Health and Safety legislation. The process for such review is included in the HS319 HSMS Review Procedure and information is marked as obsolete in accordance with the HS 311 Document Control Procedure.

Changes in legislation and applicable standards will prompt a review of the corresponding UNSW procedures. If changes are required, then a revision will be made, and the document will be placed on the governance support website as a 'draft for consultation' purposes. Communication of the changes will be in the usual manner e.g.

- Email directly to relevant stakeholders
- H&S newsletter
- Local H&S consultation committee

8.4.1. Competency requirements to undertake review

Reviews of UNSW's HSMS documentation, to ensure that the requirements of WHS legislation are incorporated, will be carried out by the H&S team with senior management involvement. In addition, reviews of local protocols and procedure will be reviewed by persons possessing the necessary qualifications, skills and experience of the subject matter in the local area.

9. Acknowledgements

[Work Health and Safety Act 2011 \(nsw.gov.au\)](http://nsw.gov.au)

[Work Health and Safety Regulation 2017 \(nsw.gov.au\)](http://nsw.gov.au)

[List of codes of practice | SafeWork NSW](#)

Appendix A: Definitions

Work Health and Safety (WHS) Legislation includes Work Health and Safety Acts, Regulations and Compliance Codes; the requirements of which are mandatory.

Health and Safety (HS) Information includes but is not limited to: advisory and informative codes; Australian Standards; and various HS medical, epidemiological, scientific journals and newsletters.

Health & Safety Management System (HSMS): A set of plans, actions and procedures to systematically manage health and safety in the workplace that is actively endorsed by a committed employer.

Appendix B: Version Control

Version	Authorised by	Approval Date	Effective Date	Sections modified
1.0	Director Human Resources	20/04/2011	20/04/2011	New Document
1.1	Director Human Resources	20/03/2013	20/03/2013	Updated to reference revised WHS Legislation



				Reference to the Safe Work Australia website and Codes of Practice (section 3.7.2) Updated Branding Logo in accordance with UNSW Branding Guidelines. Modified the document identifier from OHS to HS in accordance with WHS legislation review
1.2	Director, UNSW Safety and Sustainability	30 April 2014	30 April 2014	Reviewed for administrative updates
1.3	Director, UNSW Safety and Sustainability	8 February 2016	8 February 2016	Added reference to document control procedure. Added requirements for obsolete/outdated information. Removed reference to S8 & S4 drugs procedure. Added subscriptions. Updated WorkCover with "SafeWork NSW".
1.4	Director, UNSW Safety and Sustainability	4 March 2016		Change dot point order 3.2.1 & wording 3.6, 3.8.1
2.0	Director, UNSW Risk & Safety management	8 August 2022	8 August 2022	Reviewed for administrative updates, template updated, removed from Governance.

Updates to this document

Any suggestions, recommendations or updates to this document should be emailed to safety@unsw.edu.au with the email header stating *GUIDELINES UPDATE HS730*.

