

This Guideline may assist agencies meet their legal requirements under the *Work Health and Safety (National Uniform Legislation) Act* (the WHS Act), Regulations and Codes of Practice, as amended from time to time, when developing an occupational health and safety program under the *Public Sector Employment and Management Act*. The Guideline does not form part of the legislation and should be read in conjunction with Employment Instruction 11 and the WHS Act.

1. Occupational Health and Safety Coordination and Control

Three agencies have whole-of-sector responsibilities in relation to the implementation of the Work Health and Safety legislation across the Northern Territory Public Sector (NTPS):

- the Office of the Commissioner for Public Employment (OCPE);
- the Department of Corporate and Information Services (DCIS); and
- the Department of Business (NT WorkSafe).

Their respective roles are summarised below:

OCPE

- Statutory employer of the NTPS.
- Responsibility to consult with CEOs about the development of appropriate standards and programs in relation to work health and safety.
- Issuance of an Employment Instruction.
- Coordination across the NTPS.
- Provision of assistance in relation to disputes over the determination of work groups or the election or performance of health and safety representatives or the actions of work health and safety permit holders.

DCIS

- Coordinate a standard suite of work health & safety reports for the NTPS.
- Assist client agencies to analyse and improve their work health and safety management systems.
- Provide support to client agencies to build their work health and safety management capabilities.
- Maintain generic work health and safety management tools.

NT WorkSafe

- NT regulator.
- Provision of general advice and information to agencies and employees.

2. Key Duty Holders under the WHS Act

In addition, the NTPS has, through all its various agencies, a primary duty of care as a Person Conducting a Business or Undertaking to ensure, so far as is reasonably practicable, the health and safety of its employees and others who may be affected by the carrying out of work in the workplace.

Persons who make, or participate in making, decisions that affect the whole or a substantial part of the business or undertaking of an agency (e.g. Chief Executive Officers and other senior management) are considered to be 'officers' and must exercise 'due diligence' to ensure that the agency complies with its obligations under the WHS Act.

3. WHS Act

The WHS Act outlines the obligations, responsibilities and mandatory requirements that apply in respect of all health and safety matters in the workplace; including:

- workplace entry by work health and safety entry permit holders;



- compliance with enforcement measures by the Regulator (e.g. improvement, prohibition and non-disturbance notices);
- consultation, representation and participation (including work groups, health and safety representatives and health and safety committees);
- general risk and workplace management; and
- authorisation requirements for certain workplaces, plant, substances and/or work.

The WHS Act also imposes work health and safety duties upon workers, and other persons at the workplace (e.g. visitors) including that persons must:

- take reasonable care of their own health and safety;
- take reasonable care that acts and omissions don't adversely affect the health and safety of others; and
- comply so far as reasonably able with reasonable instruction

It also sets out in detail:

- the work health and safety duties of various persons in the workplace (from senior management to workers, including employees, contractors, trainees, volunteers etc.);
- incident notification requirements; and
- the requirements that must be complied with in relation to a range of matters, such as:
 - hazardous work;
 - plant and structures;
 - construction work;
 - hazardous chemicals;
 - asbestos; and
 - major hazard facilities.

4. Codes of Practice

In addition to the WHS Act and its subordinate legislation, Chief Executive Officers should have regard to the codes of practice (if any) and publications issued by NT WorkSafe from time to time, including ensuring their agency's

occupational health and safety programs reference the applicable Codes of Practice.

Codes of practice cover topics including, but not limited to:

- how to manage work health and safety risks;
- work health and safety consultation, co-operation and co-ordination;
- managing the work environment and facilities;
- first aid in the workplace;
- fatigue management; and
- noise management.

The following matrix provides a guide to the duties of care that must be observed by all Northern Territory Public Sector agencies, officers, employees and others in the workplace.

Nature of Activity	Duties Associated with the Activity	Relevant Standard
Operation of the business <p style="text-align: center;">→</p>	Primary Duty of Care Persons conducting a business or undertaking (PCBU) or specific classes of duty holders. Includes the Northern Territory Public Sector (i.e. the Northern Territory Government) through its departments & statutory agencies. Section 19 of the WHS Act	Reasonably practicable <p style="text-align: center;">←</p>
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Organisational decision making and governance <p style="text-align: center;">→</p>	Officers' Duty of Care to ensure PCBU complies with primary duty of care. Section 27(1) of the WHS Act	Due diligence to take "reasonable steps" Section 27(5) of the WHS Act <p style="text-align: center;">←</p>
Work activities (including supervision) <p style="text-align: center;">→</p>	Workers' Duty of Care Section 28 of the WHS Act	Reasonable care <p style="text-align: center;">←</p>
Others e.g. visitors <p style="text-align: center;">→</p>	Duty of care of others Section 29 of the WHS Act	Reasonable care <p style="text-align: center;">←</p>



Additional Information

Also see: www.ocpe.nt.gov.au, <http://www.nt.gov.au/dcis> and
<http://www.worksafe.nt.gov.au/home.aspx>

Additional information and resources can be obtained from Safe Work Australia at:
<http://www.safeworkaustralia.gov.au/sites/swa/pages/default>