

Colab



BSBWHS411

ASSESSOR GUIDE

Implement and monitor WHS policies, procedures and programs

Assessment 1 of 3

Short Answer Questions

Version 1.0

Assessment Instructions

Task overview

This assessment task is divided into 12 short answer questions. Read each question carefully before typing your response in the space provided.

Resources you need:

- Model WHS Act 2011
- WHS/OHS Act for your state or territory
- Bounce Fitness Workplace Health and Safety Policy and Procedures
- Bounce Fitness Incident Reporting Form

Assessment Information

Submission

You are entitled to three (3) attempts to complete this assessment satisfactorily. Incomplete assessments will not be marked and will count as one of your three attempts.

All questions must be responded to correctly to be assessed as satisfactory for this assessment.

Answers must be typed into the space provided and submitted electronically via the LMS. Hand-written assessments will not be accepted unless previously arranged with your assessor.

Reasonable adjustment

Students may request a reasonable adjustment for assessment tasks.

Reasonable adjustment usually involves varying:

- the processes for conducting the assessment (e.g. allowing additional time)
- the evidence gathering techniques (e.g. oral rather than written questioning, use of a scribe, modifications to equipment)

However, the evidence collected must allow the student to demonstrate all requirements of the unit.

Refer to the Student Handbook or contact your Trainer for further information.



Please consider the environment before printing this assessment.

Question 1

Identify your local WHS laws (legislation for your state/ territory) and briefly describe the key provisions of the Model WHS Act in the table below.

Assessor Instructions: Students answers must relate to their own state/ territory as identified below.

State	Legislation
Western Australia	Occupational Safety and Health Act 1984 (WA)
Northern Territory	Work Health and Safety (National Uniform Legislation) 2011 (NT)
New South Wales	Work Health and Safety Act 2011 (NSW)
Australian Capital Territory	Work Health and Safety Act 2011 (ACT)
Victoria	Occupational Health and Safety Act 2004 (VIC)
South Australia	Work Health and Safety Act 2012 (SA)
Queensland	Work Health and Safety Act 2011 (QLD)
Tasmania	Work Health and Safety Act 2012 (TAS)

Students must provide 5 of the key provisions of the Model WHS Act 2011 in line with those identified in the learning content and listed below. All options are provided below for reference.

Question 1	
State/ territory	
Legislation for your state/ territory	(See table above for each state/ territory option)
Key provisions of the Model WHS Act 2011. (Maximum 80 words total)	<ol style="list-style-type: none"> 1. Protect workers and other persons from harm by requiring duty holders to eliminate or minimise risk 2. Provide for fair and effective representation, consultation and cooperation 3. Encourage unions and employer organisations to take a constructive role in promoting improvements in WHS practices 4. Promote the provision of advice, information, education and training for WHS 5. Secure compliance with the Act through effective and appropriate compliance and enforcement measures <p>Alternate answers may include:</p> <ul style="list-style-type: none"> • Ensure appropriate scrutiny and review of actions taken by persons with powers or functions under the Act • Provide a framework for continuous improvement • Maintain and strengthen national harmonisation of WHS laws and facilitating a consistent national approach to WHS.

Question 2

Refer to the *Bounce Fitness Workplace Health and Safety policies and procedures* and describe seven (7) situations when Bounce Fitness workers are consulted about managing work health and safety issues.

Commented [VR1]: See Bounce P&P

(Word count: Approximately 80 words)

Question 2	
1.	
2.	
3.	
4.	
5.	
6.	
7.	

Assessor Instructions: Students' answers must include the following consultation touch points.

Workers are consulted when:

1. identifying hazards and assessing risks arising from work carried out or to be carried out
2. making decisions about ways to eliminate or minimise those risks
3. making decisions about the adequacy of facilities for the welfare of workers
4. proposing changes that may affect the health or safety of workers
5. making decisions about procedures for consulting with workers
6. resolving health or safety issues
7. monitoring the health of workers

Question 3

Read the *Bounce Fitness Workplace Health and Safety policies and procedures* and in your own words explain how you would identify hazards and manage risks through the use of aggregate data and work area data. Include one example of how the data is used in your answer.

Commented [VR2]: See Bounce P&P

(Word count: Approximately 110 words)

Assessor Instructions: Students answers must outline the following use of aggregate data in their own words. Students must include one example of how the data is used in their answer.

Question 3

Aggregate data is used through reporting and analysis to identify common work health and safety issues (risks, hazards and incidents) that occur or recur in the workplace as they relate to:

- work areas/locations, eg. Staff are continually tripping on a specific printer cable in an area where the cords cross the corridor walkway.
- tasks/activities, eg. Staff using heavy workout equipment incorrectly (not following manufacturers specifications) causing lift injuries.

By identifying these issues, we can work to reduce, minimise and even eliminate the risk to staff going forward through the implementation of proven safety measures such as the relocation of cables (not across walkway) and training on manual handling techniques.

Question 4

Read the *Bounce Fitness Workplace Health and Safety policies and procedures* and identify the correct process the organisation has incorporated to respond to incidents, investigations and reporting.

Commented [VR3]: See Bounce P&P

There are three (3) parts to this question. You are required to complete all the parts correctly.

- a. List the nine (9) steps outlined in the policy and procedure document when responding to an incident.

Question 4a	
Step 1	
Step 2	
Step 3	
Step 4	
Step 5	
Step 6	
Step 7	
Step 8	
Step 9	

- b. List five (5) steps Bounce Fitness takes when investigating an incident.

Question 4b	
Step 1	
Step 2	
Step 3	
Step 4	
Step 5	

- c. Identify the information required to complete a WHS incident report for each of the sections listed below. Refer also to the *Bounce Fitness Incident Reporting Form* for your answer.

Commented [VR4]: See Bounce FORM

Question 4c	
Sections	Information
Details of injured person/ incident	

Description of incident	
Nature of injury	
Action plan	

Assessor Instructions:

Students' answers must correspond to the exemplar answers provided below for a and b, demonstrating knowledge of organisational policies and procedures for incident response and investigation.

Students' answer for Part C must correspond to the benchmark standard response provided.

a. Nine (9) steps when responding to an incident

The main steps to take when responding to an incident are as follows:

- (1) Attend to the needs of injured persons.
- (2) Secure the incident scene to prevent further injury or loss.
- (3) Decide who will investigate the incident for the company.
- (4) Record the incident in the incident register.
- (5) Identify the hazards involved in the incident.
- (6) Evaluate the hazard controls in place.
- (7) Decide on future action.
- (8) Inform all those affected.
- (9) Follow up with monitoring of any new or altered hazard controls.

b. Five (5) steps for investigating an incident

Step 1: Establish background

Step 2: Determine contributing factors

Step 3: Make recommendations

Step 4: Develop an action plan

Step 5: Review action plan

c: Identify the information required to complete a WHS incident report for each of the sections below.

Sections	Information
Details of injured person/ incident	<ul style="list-style-type: none"> • Personal details • Details of time and location of incident
Description of incident	<ul style="list-style-type: none"> • What was responsible for the incident. • How the incident occurred. • Action taken at time of incident.

Nature of injury	<ul style="list-style-type: none"> • Body part affected • Type of injury/illness
Action plan	<ul style="list-style-type: none"> • Treatment • Action taken to remove/reduce hazards • Review process (follow up on actions and outcomes)

Question 5

Refer to your state/territory WHS/OHS Legislation, list the legal responsibilities and duties of managers/supervisors, PCBU and workers in relation to WHS risks management in the workplace.

(Word count: Depending on your relevant state legislation, between 100 to 200 words role)

Question 5	
Role	Responsibilities and duties
Manager/ Supervisor/ Officer	
PCBU	
Worker	

Assessor instructions: Students answers must be based in the state/territory indicated at Question 1 and capture all responsibilities and duties for each of the roles as per the relevant WHS/OHS legislation.

Sample answers are provided below. Students' answers must be the same as per below.

Role	Responsibilities and duties
Manager/ Supervisor/ Officer	<p>NEW SOUTH WALES:</p> <ul style="list-style-type: none"> • (1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the PCBU complies with that duty or obligation. • (2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this

section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.

- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.
- (4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.
- (5) In this section, due diligence includes taking reasonable steps—
 - (a) to acquire and keep up-to-date knowledge of work health and safety matters, and
 - (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations, and
 - (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking, and
 - (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information, and
 - (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act, and
Example— For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include—
 - reporting notifiable incidents,
 - consulting with workers,
 - ensuring compliance with notices issued under this Act,
 - ensuring the provision of training and instruction to workers about work health and safety,
 - ensuring that health and safety representatives receive their entitlements to training
 - (f) to verify the provision and use of the resources and processes referred to in paragraphs (c)–(e).
 - reporting notifiable incidents
 - consulting with workers
 - ensuring compliance with notices issued under this Act
 - ensuring the provision of training and instruction to workers about work health and safety

- ensuring that health and safety representatives receive their entitlements to training.

VICTORIA:

Duties of persons who manage or control workplace:

- (1) A person who (whether as an owner or otherwise) has, to any extent, the management or control of a workplace must ensure so far as is reasonably practicable that the workplace and the means of entering and leaving it are safe and without risks to health.
- (2) The duties of a person under subsection (1) apply only in relation to matters over which the person has management or control.
- An offence against subsection (1) is an indictable offence.

QUEENSLAND:

Duty of officers

- (1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the PCBU must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.
- (2) Subject to subsection (3), the maximum penalty applicable under division 5 for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.
- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of division 2 or 3 or this division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.
- (4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.
- (5) In this section, due diligence includes taking reasonable steps –
 - a. to acquire and keep up-to-date knowledge of work health and safety matters; and
 - b. to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and
 - c. to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
 - d. to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
 - e. to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any

duty or obligation of the person conducting the business or undertaking under this Act; and

Example—

For paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include—

- reporting notifiable incidents
- consulting with workers
- ensuring compliance with notices issued under this Act
- ensuring the provision of training and instruction to workers about work health and safety
- ensuring that health and safety representatives receive their entitlements to training.

to verify the provision and use of the resources and processes mentioned in paragraphs (c) to (e).

WESTERN AUSTRALIA:

Duties of persons who have control of workplaces

- A person that has, to any extent, control of —
 - (a) a workplace where persons who are not employees of that person work or are likely to be in the course of their work; or
 - (b) the means of access to and egress from a workplace, shall take such measures as are practicable to ensure that the workplace, or the means of access to or egress from the workplace, as the case may be, are such that persons who are at the workplace or use the means of access to and egress from the workplace are not exposed to hazards.
- (2) Where a person has, by virtue of a contract or lease, an obligation of any extent in relation to the maintenance or repair of a workplace or the means of access to and egress from the workplace, the person shall be treated for the purposes of subsection (1) as being a person that has control of that workplace or that means of access or egress.
- (3) A reference in this section to a person having control of any workplace or means of access to or egress from a workplace is a reference to a person having control of that workplace or that means of access or egress in connection with the carrying on by that person of a trade, business or undertaking (whether for profit or not).

NORTHERN TERRITORY:

Duties of officers

- (1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.
- (2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.
- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this

Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.

- (4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.

- (5) In this section: due diligence includes taking reasonable steps:
 - a. to acquire and keep up-to-date knowledge of work health and safety matters; and
 - b. to gain an understanding of the nature of the operations of the business or undertaking and generally of the hazards and risks associated with those operations; and
 - c. to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
 - d. to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
 - e. to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
 - f. to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

Example for definition due diligence, paragraph (e)

For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include the following

- o reporting notifiable incidents;
- o consulting with workers;
- o ensuring compliance with notices issued under this Act;
- o ensuring the provision of training and instruction to workers about work health and safety;
- o ensuring that health and safety representatives receive their entitlements to training.

AUSTRALIAN CAPITAL TERRITORY:

Duty of officers

(1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.

- (5) In this section: due diligence includes taking reasonable steps—
 - a. to acquire and keep up-to-date knowledge of work health and safety matters; and
 - b. to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and
 - c. to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
 - d. to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
 - e. to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
 - f. to verify the provision and use of the resources and processes referred to in paragraphs(c) to (e)

Examples—par (e)

The duties or obligations under this Act of a person conducting a business or undertaking may include:

- reporting notifiable incidents
- consulting with workers
- ensuring compliance with notices issued under this Act
- ensuring the provision of training and instruction to workers about work health and safety
- ensuring that health and safety representatives receive their entitlements to training.

SOUTH AUSTRALIA:

Duty of officers

- If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.
- (2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.
- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.

- (4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation.
 - (5) In this section, due diligence includes taking reasonable steps—
 - (a) to acquire and keep up-to-date knowledge of work health and safety matters; and
 - (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and
 - (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
 - (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
 - (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and
- Examples—
For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include:
- o reporting notifiable incidents;
 - o consulting with workers;
 - o ensuring compliance with notices issued under this Act;
 - o ensuring the provision of training and instruction to workers about
 - o work health and safety;
 - o ensuring that health and safety representatives receive their
 - o entitlements to training.
 - f. to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

TASMANIA:

- (1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.
- (2) Subject to subsection (3), the maximum penalty applicable under Division 5 of this Part for an offence relating to the duty of an officer under this section is the maximum penalty fixed for an officer of a person conducting a business or undertaking for that offence.
- (3) Despite anything to the contrary in section 33, if the duty or obligation of a person conducting a business or undertaking was imposed under a provision other than a provision of Division 2 or 3 of this Part or this Division, the maximum penalty under section 33 for an offence by an officer under section 33 in relation to the duty or obligation is the maximum penalty fixed under the provision creating the duty or obligation for an individual who fails to comply with the duty or obligation.

	<ul style="list-style-type: none"> • (4) An officer of a person conducting a business or undertaking may be convicted or found guilty of an offence under this Act relating to a duty under this section whether or not the person conducting the business or undertaking has been convicted or found guilty of an offence under this Act relating to the duty or obligation. • (5) In this section – <ul style="list-style-type: none"> due diligence includes taking reasonable steps – <ul style="list-style-type: none"> (a) to acquire and keep up-to-date knowledge of work health and safety matters; and (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act; and <p>Examples</p> <p>For the purposes of paragraph (e), the duties or obligations under this Act of a person conducting a business or undertaking may include the following:</p> <ul style="list-style-type: none"> o reporting notifiable incidents; o consulting with workers; o ensuring compliance with notices issued under this Act; o ensuring the provision of training and instruction to workers about work health and safety; o ensuring that health and safety representatives receive their entitlements to training. <p>(f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).</p>
PCBU	<p>NEW SOUTH WALES</p> <p>Primary duty of care</p> <ul style="list-style-type: none"> • (1) A person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the health and safety of – <ul style="list-style-type: none"> (a) workers engaged, or caused to be engaged by the person, and (b) workers whose activities in carrying out work are influenced or directed by the person, <ul style="list-style-type: none"> while the workers are at work in the business or undertaking. • (2) A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. • (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—

- (a) the provision and maintenance of a work environment without risks to health and safety, and
- (b) the provision and maintenance of safe plant and structures; and
- (c) the provision and maintenance of safe systems of work; and
- (d) the safe use, handling, and storage of plant, structures and substances, and
- (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
- (f) the provision of any information, training, instructions or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and
- (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.
- (4) If—
 - (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking, and
 - (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available, the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.
- (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

VICTORIA:

- (1) An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.
- (2) Without limiting subsection (1), an employer contravenes that subsection if the employer fails to do any of the following—
 - (a) provide or maintain plant or systems of work that are, so far as is reasonably practicable, safe and without risks to health;
 - (b) make arrangements for ensuring, so far as is reasonably practicable, safety and the absence of risks to health in connection with the use, handling, storage or transport of plant or substances;
 - (c) maintain, so far as is reasonably practicable, each workplace under the employer's management and control in a condition that is safe and without risks to health;
 - (d) provide, so far as is reasonably practicable, adequate facilities for the welfare of employees at any workplace under the management and control of the employer;
 - (e) provide such information, instruction, training or supervision to employees of the employer as is necessary to enable those persons to perform their work in a way that is safe and without risks to health.
- (3) For the purposes of subsections (1) and (2)—

(a) a reference to an employee includes a reference to an independent contractor engaged by an employer and any employees of the independent contractor; and
(b) the duties of an employer under those subsections extend to an independent contractor engaged by the employer, and any employees of the independent contractor, in relation to matters over which the employer has control or would have control if not for any agreement purporting to limit or remove that control.

- (4) An offence against subsection (1) is an indictable offence.

OHS Act 2004 (VIC)

- (1) An employer must, so far as is reasonably practicable –
 - (a) monitor the health of employees of the employer; and
 - (b) monitor conditions at any workplace under the employer’s management and control; and
 - (c) provide information to employees of the employer (in such other languages as appropriate) concerning health and safety at the workplace, including the names of persons to whom an employee may make an enquiry or complaint about health and safety.
- (2) An employer must, so far as is reasonably practicable—
 - (a) keep information and records relating to the health and safety of employees of the employer; and
 - (b) employ or engage persons who are suitably qualified in relation to occupational health and safety to provide advice to the employer concerning the health and safety of employees of the employer.

QUEENSLAND:

Primary duty of care:

- (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of -
 - (a) workers engaged, or caused to be engaged by the person; and
 - (b) workers whose activities in carrying out work are influenced or directed by the person; while the workers are at work in the business or undertaking.
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—
 - (a) the provision and maintenance of a work environment without risks to health and safety; and
 - (b) the provision and maintenance of safe plant and structures; and
 - (c) the provision and maintenance of safe systems of work; and
 - (d) the safe use, handling and storage of plant, structures and substances; and
 - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and

(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and

(g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

- (4) If—
 - (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and
 - (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available; the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.
- (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

WESTERN AUSTRALIA:

Duties of employers

- (1) An employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer (the employees) are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall —
 - (a) provide and maintain workplaces, plant, and systems of work such that, so far as is practicable, the employees are not exposed to hazards; and
 - (b) provide such information, instruction, and training to, and supervision of, the employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards; and
 - (c) consult and cooperate with safety and health representatives, if any, and other employees at the workplace, regarding occupational safety and health at the workplace; and
 - (d) where it is not practicable to avoid the presence of hazards at the workplace, provide the employees with, or otherwise provide for the employees to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards, without any cost to the employees; and
 - (e) make arrangements for ensuring, so far as is practicable, that —
 - (i) the use, cleaning, maintenance, transportation and disposal of plant; and
 - (ii) the use, handling, processing, storage, transportation and disposal of substances,at the workplace is carried out in a manner such that the employees are not exposed to hazards.

- (2) In determining the training required to be provided in accordance with subsection (1)(b) regard shall be had to the functions performed by employees and the capacities in which they are employed.

NORTHERN TERRITORY:

Primary duty of care

- (1) A person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the health and safety of:
 - (a) workers engaged, or caused to be engaged, by the person;
 - (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable:
 - (a) the provision and maintenance of a work environment without risks to health and safety; and
 - (b) the provision and maintenance of safe plant and structures; and
 - (c) the provision and maintenance of safe systems of work; and
 - (d) the safe use, handling and storage of plant, structures and substances; and
 - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
 - (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
 - (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.
- (4) If:
 - (a) a worker occupies accommodation that is owned by, or under the management or control of, the person conducting the business or undertaking; and
 - (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available;
 the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.
- (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.

AUSTRALIAN CAPITAL TERRITORY:

- (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—
 - (a) workers engaged, or caused to be engaged, by the person; and

	<p>(b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.</p> <ul style="list-style-type: none"> • (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. • (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable— <ul style="list-style-type: none"> (a) the provision and maintenance of a work environment without risks to health and safety; and (b) the provision and maintenance of safe plant and structures; and (c) the provision and maintenance of safe systems of work; and (d) the safe use, handling, storage and transport of plant, structures and substances; and (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking. • (4) If: <ul style="list-style-type: none"> (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available, <p>the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.</p> • (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work. <p>Note A self-employed person is also a person conducting a business or undertaking for the purposes of this section.</p> <p>SOUTH AUSTRALIA</p> <p>Primary duty of care</p> <ul style="list-style-type: none"> • (1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of— <ul style="list-style-type: none"> (a) workers engaged, or caused to be engaged by the person; and (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking. • (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put
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at risk from work carried out as part of the conduct of the business or undertaking.

- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—
 - (a) the provision and maintenance of a work environment without risks to health and safety; and
 - (b) the provision and maintenance of safe plant and structures; and (c) the provision and maintenance of safe systems of work; and
 - (d) the safe use, handling and storage of plant, structures and substances; and
 - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
 - (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
 - (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.
- (4) If—
 - (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and
 - (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available, the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.
- (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.
Note—
A self-employed person is also a person conducting a business or undertaking for the purposes of this section.

TASMANIA:

A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of –

- (a) workers engaged, or caused to be engaged by the person; and
- (b) workers whose activities in carrying out work are influenced or directed by the person –
while the workers are at work in the business or undertaking.
- (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable –
 - (a) the provision and maintenance of a work environment without risks to health and safety; and

	<p>(b) the provision and maintenance of safe plant and structures; and (c) the provision and maintenance of safe systems of work; and (d) the safe use, handling and storage of plant, structures and substances; and (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.</p> <ul style="list-style-type: none"> • (4) If – <ul style="list-style-type: none"> (a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and (b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available – the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety. • (5) A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work. Note: A self-employed person is also a person conducting a business or undertaking for the purposes of this section.
Worker	<p>NEW SOUTH WALES:</p> <p>While at work, a worker must—</p> <ul style="list-style-type: none"> • (a) take reasonable care for his or her own health and safety, and • (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and • (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and • (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers. <p>VICTORIA:</p> <p>Duties of employees</p> <ul style="list-style-type: none"> • (1) While at work, an employee must – <ul style="list-style-type: none"> • (a) take reasonable care for his or her own health and safety; and

- (b) take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace; and
- (c) co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or

under this Act or the regulations.

- (2) While at work, an employee must not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health, safety or welfare.
- (3) In determining for the purposes of subsection (1)(a) or (b) whether an employee failed to take reasonable care, regard must be had to what the employee knew about the relevant circumstances.
- (4) An offence against subsection (1) or (2) is an indictable offence.

QUEENSLAND:

While at work, a worker must -

- (a) must take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.

WESTERN AUSTRALIA:

- (1) An employee shall take reasonable care —

(a) to ensure his or her own safety and health at work; and

(b) to avoid adversely affecting the safety or health of any other person through any act or omission at work.

NORTHERN TERRITORY:

While at work, a worker must:

(a) take reasonable care for his or her own health and safety; and

(b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and

(c) comply so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and

(d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

AUSTRALIAN CAPITAL TERRITORY:

While at work, a worker must—

- a. take reasonable care for his or her own health and safety; and
- b. take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- c. comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and

Note: A reference to an Act includes a reference to statutory instruments made or in force under the Act, including a regulation and any law or instrument applied, adopted or incorporated by the Act (see Legislation Act, s104).

SOUTH AUSTRALIA:

While at work, a worker must—

- (a) take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

TASMANIA:

Duties of workers

While at work, a worker must –

- (a) take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- (d) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Question 6

Read the scenarios below and refer to *Bounce Fitness Workplace Health and Safety policies and procedures* to answer all three (3) questions that follow.

Commented [VR5]: See Bounce P&P

Scenario: The Bounce fitness gym that you are working at has a storeroom below its office space where gym equipment is stored. It has been reported that a gym employee nearly tripped on a cable running across the floor while checking stock. They have not been hurt but have flagged this as a near-miss incident with you as they worry the next person may not be so lucky.

- a. Outline the five (5) steps for investigating this near-miss incident.

(Word count: Maximum 60 words total)

Question 6a
1.
2.
3.
4.
5.

- b. Provide four (4) reasons why it is important to investigate near-misses in workplace.

(Word count: Maximum 60 words total)

Question 6b
1.
2.
3.
4.

- c. Who should be involved in the documentation and investigation of near misses? Provide three (3) stakeholders in this process.

(Word count: Maximum 50 words total)

Question 6c
1.
2.
3.

Assessor Instructions: Students need to refer to relevant procedures and answer the questions as captured below.

Sample answers provided below. However, student wording may vary.

- a. Outline the five (5) steps for investigating this near-miss incident.

Answer

1. Establish background
2. Determining contributing factors
3. Make recommendations
4. Develop an action plan
5. Review action plan

b. Provide four (4) reasons why it is important to investigate near-misses in workplace.

Answer
1. To prevent injury, illness or accident in the future from a similar event.
2. To evaluate what can be learned from the incident.
3. So that the organisation and workers can learn from the incident and put in place appropriate control measures.
4. To meet the requirements of WHS legislation.

c. Who should be involved in the documentation and investigation of near misses? Provide three (3) stakeholders in this process.

Answer:
Students' answers must include three (3) stakeholders. These may include:
1. Those involved in the near miss incident.
2. Those who may have been impacted by the near-miss incident.
3. WHS representatives.
4. External advisors if needed.
5. Aggregate data relating to similar incidents.

Question 7

Explain briefly how WHS/OHS consultation mechanisms are effective in managing risks within the workplace.

Provide two (2) examples of how consultation mechanisms occur in a workplace.

(Work count: Maximum 150 words total)

Assessor instructions:

Students' answers must demonstrate knowledge of effective consultation mechanisms in managing health and safety risks in the workplace. Answers must correspond to the benchmark answers provided below.

Question 7	
How WHS/OHS consultation mechanisms are effective in the workplace.	<p>Mechanisms for consultation are effective in the workplace as they allow for:</p> <ul style="list-style-type: none"> • Regular communication and keep workers informed of any issues • Discussion of WHS concerns that may affect the worker's health or safety, such as safety talks and resolving issues • Concerns based on their experience and knowledge as a member of the work team • Information, policies, and procedures to be shared • Ensuring performance is following the organisation's WHS policies • Feedback and reviews given to them by management regarding health and safety

	The opportunity for any WH&S issues to be addressed.
Provide two (2) examples of consultation mechanisms	1. Students must provide 2 examples of consultation mechanisms. These may include: <ol style="list-style-type: none"> 1. Workplace meetings 2. Health and Safety committees and representatives 3. Individual performance management processes Reports.
	2.

Question 8

Explain the key features of health and safety training programs and learning opportunities for teams and individuals in the workplace. Include coaching and mentoring opportunities in your answer. (Word count: 100 words maximum)

Assessor Instructions:

Students' answers must demonstrate knowledge of effective workplace learning opportunities that will assist in meeting the WHS training needs for individuals and teams including coaching and mentoring. Answers must correspond to the benchmark answers provided below however the wording may vary.

Question 8
<p>Key features of the health and safety training programs and learning opportunities include:</p> <ul style="list-style-type: none"> • Explaining. • Demonstrating. • Providing practice opportunities. • Asking people questions about what they are learning. • Giving people feedback on their performance. • Encouraging people to ask questions. • Taking into account a person's English language and literacy levels and cultural background. • Encouraging people to assess their own performance. • Reviewing. • Providing 1:1 opportunity to share knowledge. • Following up at a later date to check whether learning has taken place and if behaviour has changed.

Question 9

List and briefly describe the key principles of the hierarchy of control measures, in order of effectiveness starting from most effective control measure to least.

(Word count: Between 60 to 80 words total)

Question 9	
Hierarchy of control components (in order)	Describe the key principle
1.	
2.	
3.	
4.	
5.	
6.	

Assessor instructions:

Students' answers must demonstrate knowledge of the key principles in order of effectiveness starting with the most effective control and describe the components.

Hierarchy of control components in order	Describe the key principles
1. Elimination	Most effective – physically remove the hazard
2. Substitution	Substitute the hazard with a safer alternative
3. Isolation	isolate the hazard from people
4. Engineering controls	reduce the risk through engineering controls
5. Administrative controls	Change the way people work
6. PPE	Workers wear personal protective equipment for safety and as per job requirement

Question 10

Read the *Bounce Fitness Workplace Health and Safety policies and procedures* and write the processes the organisation follows when applying the Hierarchy of Control Measures.

(Word count: Maximum 200 words in total)

Question 10	
1.	
2.	
3.	
4.	
5.	
6.	

Commented [VR6]: See Bounce P&P

Assessor instructions:


Sample answer provided below. Students must read the relevant section of the Bounce Fitness WHS policies and procedures document and must provide the same answers as per below.

Answer
1.Can the hazard be eliminated? Can you remove it? E.g. Remove faulty equipment. 2.Can you substitute the process or equipment with a safer alternative? Eg. Replace faulty equipment. 3.Can you isolate the hazard? Eg. Put up barricades/ warning tape to limit access. 4.Can you implement engineering controls/change your processes? Eg. Change process so equipment is plugged in directly at wall, without extension cord used or crossing pathways. 5.Can you change administrative controls? Eg. Change the policy to require all extension cords in use in the workplace to have been tested and tagged annually. 6.Can you use PPE to improve safety? Eg. Use of ergonomically designed office chair in the workplace to support posture.

Question 11

To keep up to date on changes to WHS laws and related policies and procedures, complete the [Subscribe to updates](#) form from [Safe Work Australia](#) (see instruction below to action this).

You will need to submit a screen shot of your subscription confirmation at the end of the process.

Subscribe to Updates
1. Log in to - Safe Work Australia
2. Fill in your details on the Subscribe to Updates landing page and click submit
3. If you see the screen below after you have clicked 'submit' then just click on send anyway 
4. Once you have clicked on 'send anyway' you will receive a confirmation on your screen (green table). Take a screen shot of this confirmation – and paste it in the space provided below.

Question 11
<<Insert confirmation screen shot here>>

Assessor Instructions:

Students' have subscribed to the updates on the safe work website link provided and submitted this screen shot below.



Question 12

As the new Bounce Fitness Assistant Manager, you need to check that the organisation's policies and procedures are current and determine when they are due to be reviewed and updated next. Referring to the *Bounce Fitness Workplace Health and Safety policies and procedures*, identify two (2) policies and procedures, their current version date and based on the requirements of the document, identify the date they are due to be reviewed and updated.

Commented [VR7]: See Bounce P&P

Assessor Instructions:

Students' answers will vary based on policies or procedures selected, however, answer must demonstrate the ability to be aware of changes to organisational policies and procedures' version dates, relevant to own role. Student must select any two (2) of the following:

Bounce Fitness policies and procedures	Current version date	Due to be updated
Workplace Health and Safety Policy and Procedures	11/06/2020	11/06/2022
Hygiene Policy and Procedures	18/03/2020	18/03/2022
Risk Management Policy and Procedures	01/07/2020	01/07/2022
Incident Management Policy and Procedures	12/06/2020	12/06/2022
Emergency Procedures	1/06/2020	1/06/2022

Assessment checklist:

Students must have completed all questions within this assessment before submitting. This includes:

1	2 short answer questions to be completed in the spaces provided.	<input type="checkbox"/>
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Congratulations you have reached the end of Assessment 1!

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