



## **Introducing the new Workplace Health and Safety Act 2011**

All Members need to be aware of the new Work Health and Safety legislation that came into effect on January 1, 2012. Employers have always had responsibilities for the health and safety of its paid employees and contractors while at the workplace, but the new legislation, amongst other changes, includes volunteers in these responsibilities.

This has significant ramifications for volunteer-based organisations like Scouts, Surf Life Saving, churches, etc. In the eyes of the legislation, on January 1, 2012, Scouts effectively grew from 40 employees in 16 workplaces (that's our permanent paid staff at State and Region Offices, Camps and Activity Centres), to over 7,000 'workers' in over 700 'workplaces' (that's our adult Members at all our Scout Halls and other meeting places)!

The Association is now a 'Person Conducting a Business or Undertaking' (PCBU) and as such, will have a duty to look after the health and safety of its Members and others whilst they are engaged in Scouting activities, similar to the way employers are required to ensure their workers are safe at work. A set of regulations sets out the way a PCBU must act in regard to a number of Work, Health and Safety matters. Financial penalties can be issued by WorkCover, the regulatory body, if these requirements are not met.

This information is important as the Act will affect all Members of Scouts Australia NSW. This document is the first in a number of planned communications to inform you about the Act and how it will affect you.

Scouts Australia NSW is already committed to the health and safety of all Members and visitors as demonstrated by various policies and procedures throughout the organisation. This puts Scouts in a great position to embrace the changes that are required to comply with the Act. Leaders have always had a duty of care to the young people participating in the Scout program and this law simply formalises that duty of care. Line Leaders who work wholly within the policies and requirements of the Association are already compliant with most of the requirements under the Act.

### **What has changed?**

On January 1, 2012, changes to the Occupational Health and Safety (OH&S) laws took effect when NSW aligned with other states to harmonise Work Health and Safety (WH&S) laws. Previously, the NSW OH&S laws only related to the employed staff of volunteer organisations. Under the new WH&S Act 2011, all people who perform 'work' for an organisation or association are defined as 'workers'. This includes volunteers.

### **What is a worker?**

Leaders, Committee Members, Parent Helpers and Youth Helpers are classified as workers and therefore have a duty to comply with the laws. Youth Members, New Chums, Parents and Visitors to sites controlled by Scouts also have a duty to follow the safety requirements as directed by a worker.

### **What is a workplace?**

A workplace includes any site where Scouting activities take place under the direction of a Leader e.g. a Scout Hall, Activity Centre, campsite, or location of a Scout Activity.

### **What impact do these changes have on my Group Leader/LIC/Commissioner role within my Group/District/Region?**

The Group Leader/LIC/Commissioner needs to be aware of the legislation and ensure that all requirements regarding the notification of incidents, safe work practices and adherence to Scout Policy are followed by the Group.

### **How does this affect me as a Section Leader?**

Section Leaders are required to perform the following duties:

- Promptly rectify or notify safety issues around the Scout Hall
- Conduct risk assessments on proposed games and activities and ensure that the activity can be done with a reasonable expectation of safe participation
- Provide clear and concise instructions to Youth Members on safety issues
- Enforce safety requirements and the use of personal protection equipment where required
- Follow the policies and procedures of the Association.

### **How does this affect me as a parent/supporter on a Committee?**

As a member of a Group/District/Region/State Committee, your duty under the Act is to take appropriate action to support the Leaders delivering the program. You can do this best by ensuring that safety issues are addressed promptly and effectively to prevent injuries and accidents and that equipment and property controlled by the Group or Formation is kept in good and safe working order.

### **Are Scout Activity Centres included under this legislation?**

Scout Activity Centres with employed staff have always operated under the NSW OH&S legislation and will transition to the WH&S Act from January 1, 2012. Most of the plant and facilities are already registered with WorkCover and inspected accordingly. Members using the Activity Centre facilities are required to take direction on safety matters and safe operating procedures of equipment from the staff in control of the workplace.

### **Will there be changes to the way we report incidents?**

Under this Act there is a requirement for Scouts Australia NSW to notify WorkCover of specific types of incidents and accidents. There is a tight timeframe for the notification, which means that incident reports must be provided to the State Office within 48 hours of a notifiable incident occurring. This is to ensure that the appropriate reporting requirements are fulfilled. There are financial penalties for non-compliance with this requirement. The Association will provide you with more information about this process in early 2012.

### **Can I be fined?**

You are exempt from prosecution under the Act and cannot be fined if you are a volunteer acting in a volunteer role and you follow the policies and procedures of the Scout Association of Australia NSW Branch. You must not act in a manner contrary to those policies and procedures and must at all times follow instructions given by the person directing an adventurous activity. If you do not follow directives, policies and procedures, you may be fined.

### **What now?**

From January 1, 2012, Scouts Australia NSW is operating under transitional arrangements as we move toward full compliance with the Act. The first step in the process was to make you aware that the new law has been introduced and that there will be some changes that affect everyone involved in Scouts.

You will be kept up to date on the changes via the Scouts Australia NSW website, Leader E-Bulletins and the Scouting in NSW magazine. Please share this information with the Members of your Scout Group, District and Region. Feel free to photocopy this document for distribution to them.

If you would like to read more information about the new legislation, go to the WorkCover site at <http://www.workcover.nsw.gov.au/newlegislation2012/Pages/default.aspx>

If you have any urgent questions or concerns in relation to the legislation and how it affects you, please email [WHS@nsw.scouts.com.au](mailto:WHS@nsw.scouts.com.au)