

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2010-2011**

**Agency - Safe Work Australia**

**DEEWR Question No.EW0254\_11**

**Senator Bilyk asked on 1/06/2010, Hansard page 50.**

**Question**

***REGULATIONS AND CODE OF PRACTICE FOR PERSONS CONDUCTING A  
BUSINESS OR UNDERTAKING***

Senator BILYK—It will not just be a code of practice; it will be enforceable through the regulations? Ms Ross—There will be a code of practice but in relation to some areas of the regulations there will be a duty to— Senator BILYK—Do we know what areas they will be? Ms Ross—They will be the high-risk areas. I might have to take it on notice in relation to what areas will actually have the duty to assess risk. Senator BILYK—If you could get back to me on that, that would be good. Ms Ross—The regulations are at the moment still a work in progress. I could only answer in relation to the areas that we know at the moment. Senator BILYK—If you would take that on notice and let us know that would be greatly appreciated.

**Answer**

The model Workplace Health and Safety Act 2010 requires a person conducting a business or undertaking to eliminate risks to health and safety or, if this is not reasonably practicable, to minimise the risks to health and safety.

Currently, it is proposed there will be an obligation for a person conducting a business or undertaking to undertake a formal risk assessment in relation to the following areas of the model WHS Regulations

- Major Hazard Facilities
- Asbestos
- Mining
- Registrable Plant
- Underwater diving work

There will also be some risk assessment requirements in the model WHS Regulations in relation to the following areas

- Construction
- Confined spaces
- Hazardous chemicals, including lead and fire and explosion

The model WHS Regulations will be supported by a code of practice on how to manage risks which will broadly set out how a person conducting a business or undertaking may meet their obligations to manage risks to health and safety including how to assess risks.