# Guidance on Work, Health and Safety Requirements for Grant Recipients

## Overview

Revisions were made in 2020 to the IAS Head Agreement and also to Grant Opportunity Guidelines (GOGs) and application assessment procedures to strengthen Work, Health and Safety (WHS) requirements. The changes provide NIAA with assurance from grant recipients that they are complying with WHS requirements, visibility of any incidents that have occurred, and demonstrates that the practicable steps the Commonwealth is taking to manage WHS risks while not imposing an unnecessary administrative burden on grant recipients.

A notice of change was issued in October 2020 to grant recipients with active activities to advise them of strengthened WHS requirements in the IAS Head Agreement and new obligations including reporting in relation to WHS notifiable incidents involving grant activities.

**Grant recipients must report any Notifiable Incident directly through their NIAA contact or to the following email address (**[**GrantWHSIncident@official.niaa.gov.au**](mailto:GrantWHSIncident@official.niaa.gov.au)**) and cc their NIAA contact.**

## WHS Requirements

Grant recipients must by 31 October of every year do the following, and provide confirmation of compliance to the NIAA of the following requirements:

* Have a specific **work health and safety plan** for all Project activities, which at a minimum:
  + identifies risks associated with each activity,
  + assesses those risks, and
  + details how those risks are to be managed, consistent with applicable Commonwealth, State or Territory work health and safety laws, and any work health and safety requirements of the Commonwealth, a State, a Territory or a local government.
* Make available to Personnel the equipment necessary to perform the Project activities.
* Where particular training or qualifications are required to perform a Project activity, ensure that the Personnel who are to perform the activity have undertaken the training or have the qualifications.
* If using premises or facilities that are owned or controlled by the Commonwealth, agree to:
  + communicate, consult and coordinate with the Commonwealth in relation to health and safety matters arising from that use, in accordance with the WHS Act, and
  + comply with all reasonable directions and procedures issued by the Commonwealth about work health and safety, and all security procedures for the premises or facility, which are notified by the Commonwealth from time to time, or that can be reasonably inferred from use of the premises or facilities.
* Comply with any applicable Commonwealth, State or Territory work health and safety laws, policies, guidelines, and any work health and safety requirements of the Commonwealth, a State, a Territory or a local government.
* Report to the Commonwealth on compliance with WHS clauses annually by a date, and in such form, as specified by the Commonwealth.

Where a Notifiable Incident arises in connection with the Project, give to the Commonwealth:

* + notice of such incident and a copy of any written notice provided to the Regulator, as soon as possible after the Notifiable Incident has occurred,
  + a report detailing the circumstances of the incident, the results of investigations into its cause, and any recommendations or strategies for prevention in the future, within 10 days, and
  + cooperate with any investigation undertaken by the Commonwealth concerning any Notifiable Incident, or breach or alleged breach of the WHS Laws, or any audit of work health and safety performance, arising in respect of the Project.

A Notifiable Incident has meaning as given in Part 3 – Incident Notification of the *Work Health and Safety Act 2011* (Cth) (the WHS Act), For the purpose of the WHS Act a notifiable incident means:

1. the death of a person, or
2. a serious injury or illness of a person, or
3. a dangerous incident.

The terms “a serious injury or illness” and a “dangerous incident” are further defined in the WHS Act.

1. WORK HEALTH AND SAFETY PLAN

Grant recipients must undertake a risk assessment for each activity funded by NIAA. NIAA does not mandate the form a risk assessment must take, however a template is included as an example (refer to **Attachment A**). The grant recipient is free to use its own template, but it should clearly identify the risks associated with each activity, what controls are in place to address the risks, and what are the likely impacts and treatments should the risk be realised.

1. COMPLIANCE WITH LEGISLATON FOR WHS

Grant recipients with NIAA funded activities must confirm annual compliance with work, health and safety requirements stated in their grant agreement. This includes being compliant with any applicable Commonwealth, State or Territory work, health and safety laws for the locations where the activities are being delivered.

NIAA is not able to advise whether or not funded activities are compliant with relevant legislation. If a grant recipient is unsure as to whether they comply with relevant WHS laws, they must contact the relevant authority in the state or territory where the activity is being delivered for advice. Links to relevant Commonwealth, State or Territory work, health and safety laws and contacts are provided in the Links to Further Information section below.

1. COMPLIANCE WITH WHS GRANT AGREEMENT REQUIREMENTS

NIAA provides grant recipients with an annual Statement of Compliance (SOC) template for completion by 31 October of each year, or by a date as advised by the Agency. Associated with the changes made in 2020 to the WHS clauses in the IAS Head Agreement, a SOC template was issued to grant recipients in October 2020 which combined the existing working with vulnerable people (WWVP) reporting requirements with the new WHS reporting requirements. Grant recipients were given until 1 February 2021 to submit the new WWVP and WHS SOC. Grant recipients will be required to submit future SOCs by 31 October of each year.

1. REPORTING NOTIFIABLE INCIDENTS

When a Notifiable Incident occurs grant recipients are required to advise NIAA as soon as possible but no later than two days after the Notifiable Incident, of the incident and provide a copy of any written notice provided to the Regulator.

Grant recipients can report the Notifiable Incident directly through their NIAA contact or through the following email address ([**GrantWHSIncident@official.niaa.gov.au**](mailto:GrantWHSIncident@official.niaa.gov.au)) and cc their NIAA contact.

NIAA will acknowledge receipt of the notification and will follow up, detailing what further information will be required and the timeframe to respond. At a minimum grant recipients will be expected to provide a report within 10 days detailing the circumstances of the incident, the results of investigations into its cause, and any recommendations or strategies for prevention in the future.

## Links to further information

If you have any questions on WHS obligations and compliance reporting, please contact **your Agreement Manager.**

Refer to the following links for further information:

* Safe Work Australia - [Home | Safe Work Australia](https://www.safeworkaustralia.gov.au/)
* Commonwealth - [Comcare, Commonwealth Work Health and Safety Act 2011, and WHS Regulations (Cth)](https://www.comcare.gov.au/scheme-legislation/whs-act)
* [Contacts in Commonwealth](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-commonwealth)
* SafeWork NSW - [Legislation | SafeWork NSW](https://www.safework.nsw.gov.au/legal-obligations/legislation)
* [Contacts in New South Wales](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-new-south-wales)
* Workplace Health and Safety Queensland - [Work health and safety laws | WorkSafe.qld.gov.au](https://www.worksafe.qld.gov.au/laws-and-compliance/work-health-and-safety-laws)
* [Contacts in Queensland](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-queensland)
* WorkSafe Victoria - [Occupational Health and Safety Act and regulations - WorkSafe](https://www.worksafe.vic.gov.au/occupational-health-and-safety-act-and-regulations)
* [Contacts in Victoria](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-victoria)
* WorkSafe ACT - [About WorkSafe ACT - WorkSafe ACT](https://www.worksafe.act.gov.au/about-worksafe-act)
* [Contacts in Australian Capital Territory](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-australian-capital-territory)
* SafeWork SA - [SafeWork SA](https://www.safework.sa.gov.au/)
* [Contacts in South Australia](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-south-australia)
* NT WorkSafe - [Workplace safety laws](https://worksafe.nt.gov.au/laws-and-compliance/workplace-safety-laws)
* [Contacts in Northern Territory](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-northern-territory)
* WorkSafe WA - [Legislation | Department of Mines, Industry Regulation and Safety (commerce.wa.gov.au)](https://www.commerce.wa.gov.au/worksafe/legislation)
* [Contacts in Western Australia](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-western-australia)
* WorkSafe Tasmania - [Laws and compliance (worksafe.tas.gov.au)](https://worksafe.tas.gov.au/topics/laws-and-compliance)
* [Contacts in Tasmania](https://www.safeworkaustralia.gov.au/contacts-your-stateterritory/contacts-tasmania)

## Attachment A

### Template Risk Assessment

The following risk assessment has been developed to assist grant recipients in complying with the requirements as outlined previously.

**Table 1: What should be included in the risk assessment?**

| **Risk ID** | **Risk Rating** | **Risk Event** | **Causes** | **Consequences** | **Existing Controls** | **Likelihood Rating** | **Consequence Rating** | **Treatments**  EXAMPLE | | **Risk Review Date** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| An ID for each risk | Using the risk matrix below in Attachment B, identify the Likelihood of the risk occurring x Consequence = Risk Rating | A singular risk event that could occur that may breach the organisations WHS responsibilities | What are the activities or events that would see this risk become a reality? | What are the potential consequences for the organisation, if this risk were to occur? | What things are already in place to address the risk? | Using the risk matrix below in Attachment B, make an honest assessment of how likely the risk is to occur, based on the current operations of the organisation | Using the risk matrix below in Attachment B, make an honest assessment of the impact (consequence) of the risk if it were to occur based on the current operations of the organisation | Identify treatment options to help address the risk. These are actions that the organisation will take to ensure they are WHS compliant. These treatments should be SMART  **S**pecific – they must contain enough detail, e.g. responsible owner, plans, costs and resources.  **M**easurable – how will you know it is working?  **A**ction- orientated – how will the organisation act to address this risk?  **R**elevant – they must address the identified risk  **T**ime bound – when will this treatment be implemented? | | When will this risk next be reviewed? |
| Owner: | Treatment Review Date: |

## Attachment B

### Risk Matrix

The below risk matrix is an example of a 5x5 matrix and should be used to identify the impact (consequence) of the risk if it were to occur based on the current operations of the organisation. Likelihood x Consequence = Risk Rating. For example, if the likelihood of the risk occurring is Likely and the consequence of the risk occurring is Moderate, the risk rating is Medium.

|  | **CONSEQUENCES** | | | | |
| --- | --- | --- | --- | --- | --- |
| **LIKELIHOOD** | Insignificant | Minor | Moderate | Major | Severe |
| Almost Certain | Low | Medium | High | Extreme | Extreme |
| Likely | Low | Low | Medium | High | Extreme |
| Possible | Low | Low | Medium | High | High |
| Unlikely | Low | Low | Low | Medium | High |
| Rare | Low | Low | Low | Medium | Medium |