

## Simple Change to model OHS laws (shown in red)

May 2011

By adding these words (shown in red) to this clause in the model OHS laws, clarity will be achieved in ensuring that everyone is responsible for safety at work.

### Division 2—Primary duty of care

#### 19—Primary duty of care

- (1) A person conducting a business or undertaking **with control over the matter at work**, 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 **with control over the matter at work** 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 **with control over the matter at work** 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 **with control over the matter at work** **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.