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# Employment & Safety Alert
# April 2011

## South Australia first on new model Work Health and Safety Laws

South Australia has become the first Australian jurisdiction to introduce the new model Work Health and Safety laws to its Parliament by tabling the *Work Health and Safety Bill 2011* (SA) (**Bill**). The Bill enacts new harmonised work health and safety laws developed by Safe Work Australia, which are designed to provide genuinely consistent health and safety laws across all State jurisdictions.

All jurisdictions are expected to enact legislation that mirrors the harmonised work health and safety laws by 1 January 2012.

Whilst the Bill is generally consistent with the current South Australian safety laws, maximum penalties significantly increase from $300,000 for a first offence, to $3,000,000 for a body corporate.

## Compliance with the new work health and safety laws

It is important that all businesses now commence the task of ensuring compliance with the new laws and regulations. In particular, businesses should be mindful of:

- the new "due diligence" requirements for company officers;
- the new consultation requirements for duty holders; and
- the new provisions regarding the election of health and safety representatives.

In addition to the new laws contained in the Bill, new regulations will also become operational at the beginning of 2012.

The new regulations will cover the following:

- representation and participation of worker (including issue resolution and union right of entry);
- general workplace management (including facilities, first aid, emergency plans);
- hazardous work;
- plant and structures;
- construction work (including high risk work and principal contractor obligations);
- hazardous chemicals (including inorganic lead and asbestos);
- major hazard facilities;
- mines (to be released early 2011);
- registration and licensing (including plant, major hazard facilities and persons);
- review of decisions made under the regulations.

There are also priority **codes of practice** developed to assist with compliance to the Regulations and the Act. Business must take action to become familiar with and new codes of practice, regulations and laws.

## Now is the time to start compliance programs

Understanding of, and compliance, with the new laws should now be a priority for action. Businesses should consider how the laws create specific obligations and undertake a legal gap analysis to identify where current policies and procedures do not meet obligations under the new laws.

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