

## Environment, Safety and Health Management System

# February 2011 Update Summary of Changes

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# 1. Major Legislative Changes

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This update includes new and amended regulations and codes of practice which cover a wide range of requirements and reference a large number of Australian standards. As a result, these new issues affect quite a few of the guidelines. These changes include:

## **New South Wales**

- Amendment of the Coal Mine Health and Safety Act 2002
- Amendment of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000
- Amendment of the Mine Health and Safety Act 2004
- Amendment of the Occupational Health and Safety Act 2000
- New Occupational Licensing (Adoption of National Law) Act 2010
- Amendment of the Protection of the Environment Operations Act 1997

## **Victoria**

- Amendment of the Bus Safety Act 2009
- New Bus Safety Regulations 2010
- New Occupational Licensing National Law Act 2010
- New Code of Practice for Worksite Safety - Traffic Management 2010
- Adoption of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

## **Queensland**

- Amendment of the Building Act 1975 and Building Regulation 2006
- Amendment of the Coal Mining Safety and Health Act 1999
- Amendment of the Electrical Safety Act 2002 and Electrical Safety Regulation 2002
- Amendment of the Environmental Protection Act 1994, Environmental Protection Regulation 2008, Environmental Protection Regulation 2008, and Environmental Protection (Waste Management) Regulation 2000
- Amendment of the Mining and Quarrying Safety and Health Act 1999
- Amendment of the Sustainable Planning Act 2009 and Sustainable Planning Regulation 2009
- Amendment of the Workplace Health and Safety Regulation 2008
- New Recognised Standard 11 - Training in coal mines 2010
- Adoption of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS)
- New version of the Code of environmental compliance for certain aspects of extractive and screening activities (ERA 16)

**Western Australia**

- Amendment of the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007
- Amendment of the Environmental Protection Act 1986 and Environmental Protection Regulations 1987
- Amendment of the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999
- Amendment of the Mines Safety and Inspection Act 1994
- Amendment of the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996
- New Rail Safety Act 2010 and Rail Safety Regulations 2011

**South Australia**

- Amendment of the Controlled Substances Act 1984
- Amendment of the Environment Protection Act 1993
- Amendment of the Harbours and Navigation Act 1993 and Harbors and Navigation Regulations 2009
- Amendment of the Occupational Health, Safety and Welfare Regulations 2010
- Commencement of the Approved Code of Practice for First Aid in the Workplace 2009

**Tasmania**

- Amendment of the Dangerous Substances (Safe Handling) Act 2005 and Dangerous Substances (Safe Handling) Regulations 2009
- New Dangerous Goods (Road and Rail Transport) Act 2010 and Dangerous Goods (Road and Rail Transport) Regulations 2010, and adoption of the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code)
- New Environmental Management and Pollution Control (Waste Management) Regulations 2010
- Amendment of the Workplace Health and Safety Act 1995
- New Occupational Licensing (Supervision of Prescribed Work) Code of Practice 2010
- New Occupational Licensing (Standards of Gas-fitting Work) Code of Practice 2010
- New Occupational Licensing (Standards of Plumbing Work) Code of Practice 2010
- New Occupational Licensing (Fit and Proper) Code of Practice 2010

**Northern Territory**

- Amendment of the Dangerous Goods Act 1998 and Dangerous Goods Regulations 1985
- New Rail Safety Regulations 2010
- Amendment of the Workplace Health and Safety Act 2007 and Workplace Health and Safety Regulations 1992

- Adoption of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

#### **Australian Capital Territory**

- New Climate Change and Greenhouse Gas Reduction Act 2010
- Amendment of the Construction Occupations (Licensing) Act 2004 and Construction Occupations (Licensing) Regulation 2004
- Amendment of the Environment Protection Act 1997
- New Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010
- Amendment of the Planning and Development Act 2007 and Planning and Development Regulation 2008
- Amendment and renaming of the Smoke-Free Public Places Act 2003 and Smoke-free Public Places Regulation 2005
- Amendment of the Utilities Act 2000
- Amendment of the Work Safety Regulation 2009

#### **New Zealand**

- Amendment of the Climate Change (Other Removal Activities) Regulations 2009
- Amendment of the Climate Change Stationary Energy and Industrial Processes Regulations 2009
- New Climate Change (Waste) Regulations 2010

References to these documents and the Australian standards they reference have been included in the ES&H guidelines, as applicable in each case. For all of the legislative changes included in this update, refer to [section 6](#) below).

## **2. Changes to Government Departments and Authorities**

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### **2.1. Department of Sustainability, Environment, Water, Population and Communities**

The former Commonwealth Department of Environment, Water, Heritage and the Arts has been renamed as the Commonwealth Department of Sustainability, Environment, Water, Population and Communities. The web site address (<http://www.environment.gov.au/>) has remained the same. The change has been incorporated in the various documents, as applicable.

### **2.2. Australian Transport Safety Bureau (ATSB)**

Publications issued by the Australian Transport Safety Bureau (ATSB) (web site URL <http://www.atsb.gov.au/>) have been added to the guidelines, as applicable.

## 2.3. Commercial Building Disclosure (CBD)

Publications issued by Commercial Building Disclosure (CBD) – a National Energy Efficiency Programme (web site URL <http://www.cbd.gov.au/>) have been added to the guidelines, as applicable.

## 2.4. ERAC (Electrical Regulatory Authorities Council)

Publications issued by ERAC (Electrical Regulatory Authorities Council) (web site URL <http://www.erac.gov.au/index.html>) have been added to the guidelines, as applicable.

## 2.5. Australian Consumer Law (ACL)

Publications issued by Australian Consumer Law (ACL) (web site URL <http://www.consumerlaw.gov.au/content/Content.aspx?doc=home.htm>) have been added to the guidelines, as applicable.

## 2.6. NSW Department of Environment, Climate Change and Water

The name of the former NSW Department of Environment and Climate Change has changed to Department of Environment, Climate Change and Water. The web site URL (<http://www.environment.nsw.gov.au/index.htm>) has remained the same. The change has been incorporated in the various documents, as applicable.

## 2.7. New South Wales Mine Safety Advisory Council

Publications issued by New South Wales Mine Safety Advisory Council (web site URL <http://www.nswminesafety.com.au/Home>) have been added to the guidelines, as applicable.

## 2.8. Queensland Electrical Safety

The web site address of Queensland Electrical Safety has changed to <http://www.justice.qld.gov.au/fair-and-safe-work/electrical-safety>. The change has been incorporated in the various documents, as applicable.

## 2.9. Queensland Office of Climate Change

Publications issued by the Queensland Office of Climate Change (web site URL <http://www.climatechange.qld.gov.au/>) have been added to the guidelines, as applicable.

## 2.10. ACT Fair Trading

Publications issued by the ACT Fair Trading (web site URL <http://www.ors.act.gov.au/FairTrading>) have been added to the guidelines, as applicable.

## 3. Changes and Improvements

The following are changes and improvements incorporated in the ES&H Compliance Guidelines and associated documents as part of this update.

### 3.1. Review of the 'Guidance Notes and Publications' Section

A review of the names of the various OHS and environmental authorities in the 'Publications and Guidance Notes' section has been conducted and as a result entries were revised to ensure consistency. These changes were not highlighted in yellow, unless the authority details have actually changed (as listed in section 2 above).

### 3.2. ESH-015 Emergency Preparedness and Response

The scope of Compliance Guideline ESH-015 has been expanded to include not only emergencies but also issues related to Business Continuity and the Management of Disruption-related Risk (as per Australian Standard AS 2050:2010).

### 3.3. ESH-102 Workers with Special Needs

The scope of Compliance Guideline ESH-102 (formerly 'Workers with Disabilities') has been expanded to include other workers with special needs, such as older workers. The title of the Guideline has been changed to 'Workers with Special Needs' to better reflect the expanded scope.

## 4. Changes to 'Issues to be Addressed'

The following changes have been incorporated in the 'Issues to be Addressed' (i.e. requirements) section of ES&H Guidelines:

No.	Changed ES&H Guideline	Jurisdiction	Brief Description of the Change	Reasons for Change
	ESH-015 Emergency Preparedness and Response	All	Requirements related to Business Continuity and the Management of Disruption-related Risk	An improvement based on Feedback from users and Australian Standard AS 2050:2010
	ESH-024 Hazardous Substances and Dangerous Goods	Western Australia	Definition of a hazardous substance	Requirement of the WA Occupational Safety and Health Regulations 1996, as amended by the Occupational Safety and Health Amendment Regulations (No. 6) 2010 in December 2010
	ESH-024 Hazardous Substances and Dangerous Goods	Northern Territory	Definition of a hazardous substance	Requirement of the NT Workplace Health and Safety Regulations 1992, as amended by the Workplace Health and

No.	Changed ES&H Guideline	Jurisdiction	Brief Description of the Change	Reasons for Change
				Safety Amendment Regulations (No. 2) 2010 in November 2010
	ESH-053 Emergency Equipment	NSW	Requirements related to emissions by emergency power supply plant.	Requirements of the NSW Protection of the Environment Operations (Clean Air) Regulation 2010, as amended by the Protection of the Environment Operations (Clean Air) Amendment (Emissions Standards) Regulation 2010 in December 2010
	ESH-058 Areas with Flammable Gases and Dusts	All	Reference to relevant Australian Standards, in relation to the classification, delineation and documentation of Hazardous areas	Continuous Improvement
	ESH-070 Air Pollution and Odours	Australian Capital Territory	Requirements related to timber that has been painted or chemically treated to be not sold or used as firewood.	Requirements of the ACT Environment Protection Regulations 2005, as amended by the Environment Protection Amendment Regulation 2011 (No 1) 2011, in January 2011
	ESH-075 Environmental Aspects and Impacts	New South Wales	Definition and requirements related to Environmentally Sensitive Area of State Significance	Requirements of the NSW State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (amended May 2010) (amended December 2010), as amended by the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2010 in December 2010
	ESH-075 Environmental Aspects and Impacts	Australian Capital Territory	Definition and requirements related to Significant Adverse Environmental Impacts	Requirements of the ACT Planning and Development Act 2007, as amended by the Planning and Development (Environmental Impact Statements) Amendment Act 2010 in December 2010
	ESH-086 Control of Harmful Fibres and Dusts	South Australia	Definition of asbestos	Requirement of the SA Occupational Health, Safety and Welfare Regulations 2010, as

No.	Changed ES&H Guideline	Jurisdiction	Brief Description of the Change	Reasons for Change
				amended by the Occupational Health, Safety and Welfare Variation Regulations 2011 in January 2011
	ESH-086 Control of Harmful Fibres and Dusts	Northern Territory	Definition of asbestos	Requirement of the NT Workplace Health and Safety Regulations 1992, as amended by the Workplace Health and Safety Amendment Regulations (No. 2) 2010 in November 2010
	ESH-102 Workers with Special Needs	All	Definition and requirements related to older workers	An improvement based on a publication issued by WA WorkSafe "Older Workers and Safety"

## 5. Revised Documents

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The following documents have been revised and re-issued as part of this update:

- ES&H Guidelines, as listed in the [Document Register](#)
- Individual Audit Sheets (to reflect changes to 'Issues to be Addressed'), as follows:
  - ESH-AD-015
  - ESH-AD-075
  - ESH-AD-102
- Consolidated List of ES&H-related Legislation
- Index of Keywords
- Document maps (to reflect (ESH-102 title change)
  - ISO 9001 Document Map
  - AS/NZS 4801 Document Map
  - SafetyMAP Document Map
  - Personnel Responsibilities Document Map
  - AS 4581 Document Map
  - Comcare Document Map
  - AS 4292 Document Map
  - National Audit Tool Document Map

## 6. Summary of Legislative Changes

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The following are changes to acts, regulations and codes of practice covered by this update. For details, refer to the consolidated list of [ES&H-Related Legislation](#) and to sections 8.1 and 8.2 of individual ES&H Guidelines, as applicable.

Please note: the summary of ES&H-related legislative changes is included only in the version provided to customers. However, a sample may be provided on request (email to [info@managementsystems.com.au](mailto:info@managementsystems.com.au)).

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