

Insight aims to provide useful information, links and tips in the areas of Risk Management, Occupational Health and Safety, Business Continuity Management, and other areas relating to management systems and corporate governance.

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Looking Forward

As we approach July 1st the Queensland WHS Legislative context will be adjusted with the restoration of the status of the various WHS Codes of Practice (essentially requiring that the safety measures in a code are to be complied with), the mandating of HSR training (with a 3-yearly refresher) and re-introduction of the Work Health and Safety Officer (WHSO) role.

The coming financial year will also bring a strengthening of the Heavy Vehicle chain-of-responsibility (CoR) laws in Qld, with the 2018 *Heavy Vehicle National Law and Other Legislation Amendment* imposing a WHS-style positive duty of care on all involved. The changes will also require Company Officers to exercise due diligence to ensure their companies comply with their duties.

The Qld government has committed to an implementation date of 1 October 2018. It is important to note that the National Heavy Vehicle Legislation is not restricted to truck drivers, nor solely the transport and logistics sector – everyone in the heavy vehicle supply chain, including the consignee and consignor, has a role to play in ensuring safety.



- The Consignor (the person who engages someone to transport the goods) or the Consignee (the person who receives the goods) have a responsibility to ensure that the load does not exceed the limits of the vehicle carrying that load and that the delivery requirements do not encourage Drivers to exceed the speed limits or regulated driving / rest hours.
- The Scheduler (the person who schedules the transport of goods) is to ensure that schedules do not require Drivers to breach driving hours or speed limits, that Drivers do not work in breach of their work or rest hours & that records are maintained.

- The Packer and Loader have similar responsibilities, to ensure that the loads are secured and stable, do not exceed vehicle limits and that the related documentation is accurate and provides reliable weight information to the Driver.
- The Driver (this may be an employee or a contractor) is to ensure that the vehicle is maintained and safe, the load does not exceed the vehicles limits and is properly secured, and then must adhere to the speed limits and road rules and take the prescribed rest breaks.

The National Heavy Vehicle Regulator advocates that the best way to ensure these responsibilities are fulfilled is to have the processes and practices, training, procedures and review mechanisms integrated within the Company's safety management system.

Please [contact QRMC](#) for more information or for assistance to review your safety management system.

Planning to Manage Threats and Opportunities

The current suite of Industry Standards all include discussion of planning for improvement – whether in the realm of Quality, WHS, Environmental Management, Business Continuity or Information Security Management.

To paraphrase ISO 9001, ISO 14001, AS/NZS 4801, ISO 27001 and ISO 22301, the organisation shall identify their risks / hazards / aspects / impacts, including their legal and other requirements, and then determine their objectives and targets for what they are seeking to achieve. After this the organisation is to formulate management plans for achieving these

objectives and targets, inclusive of the consideration of the risks/ hazards / aspects / impacts and legal requirements – these could be in the form of annual or operational plans.

The management system standards require organisations to examine, as part of this planning activity, their internal and external context to determine what needs to be addressed to manage the organisation's risk exposures. This may reflect the 'legal and other requirements' or their operating environment.

Historically, this has resulted in a greater focus on the 'negative' risk exposures prompting lagging targets, and minimal focus on the positive opportunities or activities required to effectively manage the risk.

In considering the guidance from *ISO 31000 – Risk Management*, there is clearly a view that risk is more about considering the positive **and** the negative – it can be positive, negative or both, and can address, create or result in opportunities and threats.





In all the new and revised ISO Standard management system requirements, risk is clearly defined as the “effects of uncertainty” expressed as opportunities and threats. ISO 14001:2015 details this as the “potential adverse effects (threats) and potential beneficial effects (opportunities).”

While ISO 45001:2018 *Occupational health and safety management systems – Requirements with guidance for use* remains with the Technical Committee of Standards Australia for review (therefore not yet adopted in Australia), it is worth noting that it deals with risks and opportunities instead of focusing solely on risk.

The underlying key to this planning process is context, either the legislative context or the risk management context, as these set the foundations for the planning context. It is vital that any planning is undertaken in consultation with key stakeholders in an organisation. All too often, planning for WHS or Quality, Environment is seen to be the sole responsibility of a Manager responsible for the ‘specialist’ area (WHS, Quality, Environment, etc.). However, planning, together with the associated development of objectives and targets, KPIs and management plans, needs to be undertaken with a range of stakeholders within an organisation to ensure consideration of all risks and opportunities across the organisation.

Please [contact QRMC](#) for more information.



Updated WHS Codes of Practice

The Queensland Office of Industrial Relations has undertaken a review of all 38 [Codes of Practice](#) approved under the *Work Health and Safety Act* to ensure they can operate as a minimum standard from 1 July 2018.

The review has concentrated on correcting a range of minor technical and legislative references and inconsistencies.

As mentioned in the first article of this edition, safety measures in a code are to be complied with from 1 July, so be sure to [visit the website](#) after 1 July 2018 to download current versions of the Code of Practice relevant to your industry.

Please [contact QRMC](#) for more information.



National inquiry into sexual harassment in Australian workplaces

In our [February 2018 Insight](#), we argued that sexual harassment in the workplace should be more properly considered as a work health and safety risk rather than as a human resources issue.

The Australian Human Rights Commission (AHRC) recently announced an [independent national inquiry](#) into sexual harassment in the workplace, and the Safety

Institute of Australia [supported this](#) and confirmed the view that harassment and abuse in the workplace is a health and safety issue.

The inquiry, carried out by the sex discrimination commissioner Kate Jenkins, will run over 12 months, and will involve public consultations in major cities and regional centres as well as submissions from any interested party.

Keep an eye on the [inquiry webpage](#) for upcoming details of the timeframe, consultations and submissions process.



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**RISK MANAGEMENT
SAFETY MANAGEMENT
BUSINESS CONTINUITY MANAGEMENT
MANAGEMENT SYSTEMS**

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