

Occupational Health and Safety (OHS)

Good Governance Fact Sheet No. 23
for Committees of Management
of Crown land reserves

Committees of management have a range of OHS responsibilities for volunteers, contractors and employees.

Victorian OHS laws and regulations

The *Occupational Health and Safety Act 2004* (OHS Act) is the main workplace health and safety law in Victoria. It sets out key principles, duties and rights about OHS. The Occupational Health and Safety Regulations 2017 (OHS Regulations) build on the OHS Act.

Applicability of OHS laws even if not an “employer”

The OHS Act outlines varied responsibilities for organisations defined as an “employer” and others that are not employers but are deemed to have “management or control of a workplace” (A Crown land reserve would be considered to be a workplace irrespective of whether there are any buildings on the reserve).

For committees who are employers: Duties/responsibilities include:

- To provide and maintain a working environment for employees that is safe and without risks to health. Note: 'employees' includes contractors and employees of contractors (See Section 21 of OHS Act).
- To monitor the health of employees and working conditions (Section 22).
- To ensure persons other than employees are not endangered by the conduct of the business (including volunteers, visitors, the public) (Section 23).

For committees who are not employers: Duties/responsibilities include:

- To ensure that the workplace and the means of entering and leaving it are safe (including for volunteers, contractors, visitors, the public) (See Section 26 of the OHS Act).

OHS actions for committees to consider

Committees should develop a systematic approach to identifying and managing OHS issues. This can be done through a specific OHS Management Plan, or incorporating OHS issues into a Risk Management Plan (See also *Fact Sheet No 23 Risk Management*).

- See: Controlling OHS hazards and risks: A handbook for workplaces, published by Worksafe Victoria <https://www.worksafe.vic.gov.au/resources/controlling-ohs-hazards-and-risks-handbook-workplaces>

For major OHS risks, such as the potential of asbestos and/or unsafe wiring in buildings, it is recommended you contact your DELWP regional office to explore assistance DELWP may be able to provide to address the issue.

Links for further Information

- Occupational Health and Safety Laws (Vic), a guide for community organisations in Victoria, published by Justice Connect: <https://nfplaw.org.au/OHS>
- Victoria's OHS regulator, Worksafe, <https://www.worksafe.vic.gov.au/>
- Copies of the OHS Act: <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/033> and OHS Regulations: <https://www.legislation.vic.gov.au/in-force/statutory-rules/occupational-health-and-safety-regulations-2017/005>