

SAFETY BULLETIN

85 - Infringement Notices Introduced(Victoria)

OVERVIEW

At Programmed we pride ourselves on meeting and exceeding legislative requirements to ensure our employees, contractors, customers and community are protected and that our people go home safe each and every day. Whilst we aim to ensure that our safety approach goes beyond legislative expectations it's important to be across important updates and changes.

One recent amendment to the Victorian WHS legislation is the introduction of Infringement Notices (on the spot fines). Taking effect on the **31st of July 2021**, WorkSafe inspectors are now able to issue Infringement Notices to businesses and individuals who fail to meet certain existing requirements of the OHS Act and Regulations. The amount of the fine will be dependent on the nature of the offence and can be up to \$1,800 for a corporation and up to \$363 for an individual.

There are 54 offences under the OHS Act and Regulations that are prescribed as infringement offences. In summary, the offences relate to;

- ▶ undertaking work without a required licence, registration, qualification, experience or supervision
- ▶ using plant that is not licensed or registered as required
- ▶ failing to meet various duties relating to the removal and storage of asbestos
- ▶ failure to keep various required records for example. Hazardous substances register, relevant health surveillance records, safety plans and risk assessments

An Infringement Notice will include information about:

- ▶ the alleged offence
- ▶ how much is owed
- ▶ options for resolving an infringement, including options to pay the infringement penalty, requesting a review of the Infringement Notice, or electing to have the infringement offence heard and determined in Court, and
- ▶ the payment due date which will give you at least 21 days to pay from the date the notice is served

This new Infringement Notice scheme has been introduced to help strengthen WorkSafe's compliance and enforcement and act as an additional deterrent for employers who are not complying with measures to keep their workplace safe.

SOME OF THE INFRNGEMENT OFFENCES UNDER THE OHS ACT & REGULATIONS

Some offences under **OHS Act** include:

- ▶ 40 (4) Regulation 128 - A person performs high risk work without holding an appropriate high risk work licence
- ▶ 40 (4) Regulation 264 - Person must not perform Class A asbestos removal work unless that person satisfies certain criteria
- ▶ 40 (4) Regulation 265 - Person must not perform Class B asbestos removal work unless that person satisfies certain criteria
- ▶ 41 Regulation 340 – requirement to hold a current construction induction card
- ▶ 69 (1) (a) Health Safety Representatives (HSR's) have access to certain information

Some offences under the **OHS Regulations** include:

- ▶ 106 - Record of inspection and maintenance
- ▶ 110 - Warning devices on powered mobile plant
- ▶ 129 - Employer must not allow unlicensed employee to perform high risk work
- ▶ 162(1)- Register of hazardous substances
- ▶ 168(1) - Records of atmospheric monitoring
- ▶ 171 - Records of health monitoring
- ▶ 329 - Copy of safe work method statement to be kept
- ▶ 352 - Construction induction card to be kept available
- ▶ 355(1)- Requirement to notify intention to perform construction excavation work
- ▶ 64 - Employer to keep entry permits
- ▶ 68 - Record of exit from confined space

A full list of infringement offences can be found at <https://www.worksafe.vic.gov.au/infringement-offences> and a list of Infringement amounts can be found in Schedule 20 of the Occupational Health and Safety Regulations 2017

FOR MORE INFORMATION CONTACT:

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Report all incidents and near misses