



Australian Government

Department of Finance

Key Points

- *The Work Health and Safety Act 2011 (Cth) (WHS Act) covers:*
 - *your work as a parliamentarian, and*
 - *work that others do to support your work as a parliamentarian.*
- *You have duties under the WHS Act to ensure the health and safety of persons in any place where you or your workers perform work.*
- *You must ensure, as far as is reasonably practicable, the health and safety of:*
 - *workers that you engage, or cause to be engaged (including MOP(S) Act employees, volunteers and contractors)*
 - *workers whose work you direct or influence*
 - *other persons in the workplace.*
- *The Department of Finance also has WHS duties for some matters within your workplace, arising from the facilities and services the Department provides to support your work as a parliamentarian.*
- *The Department has put WHS systems and arrangements in place to assist you and your staff to discharge your WHS duties.*

Circular No 2016/07

All Senators and Members

WORK HEALTH AND SAFETY ARRANGEMENTS IN PARLIAMENTARIANS' WORKPLACES

Who is responsible for work health and safety in my workplace?

Everyone who works in a parliamentarian's workplace, or influences work in a parliamentarian's workplace, has duties under the *Work Health and Safety Act 2011 (Cth)* (WHS Act). Information about the WHS Act is available from Comcare.

What part of my work is covered by the WHS Act?

Your representative work as a parliamentarian, comprising your parliamentary, electorate and official business, is treated as an undertaking of the Commonwealth. The Commonwealth has duties as a *person conducting a business or undertaking* (PCBU) arising from your work as a parliamentarian and the work that others do to support your work.

Which Commonwealth agencies have duties within my workplace?

The Commonwealth's duties for your work as a parliamentarian are shared between you personally and the Commonwealth agencies that support your work.

The WHS Act provides that more than one person can have duties in relation to the same matter. The Department of Finance has duties for aspects of your work that it is able to influence or control. Within Parliament House, the parliamentary departments will have duties for aspects of your work that they are able to influence or control. Portfolio agencies that provide facilities to Ministers will have duties connected with those facilities.

It is important to note that if you are able to influence a situation, you will continue to have WHS duties even if another agency or person also has duties. You will need to continue to control risks associated with your work, where practicable, even if you have reported those risks to Finance.

As an employer of Commonwealth staff, you will need to consult, cooperate and coordinate activities with your staff, visitors to your workplace and Commonwealth agencies who have a role in your workplace, so that you are all working together to eliminate or minimise risks to health and safety.

What duties do I have personally?

As a general principle, where you are able to control or influence a matter within your workplace, you are likely to have WHS duties for that matter. Within your office, you will need to ensure that you comply, to the extent practicable, with:

- the Commonwealth's PCBU duties
- your duties as an officer; and
- your duties as a worker.

Comcare provides detailed advice on these duties in its Regulatory Guide *Health and Safety Duties*.

Is my electorate office my workplace?

A *workplace* is any place where work is carried out by you, or for you, in your capacity as a parliamentarian. It includes any place where a worker goes, or is likely to be, while at work.

In Parliament House and Commonwealth-funded offices, such as your electorate office, Commonwealth agencies will look after most WHS matters connected with the physical building, such as fitout and maintenance. In other workplaces, such as a private office you have set up yourself, or an event you are participating in in a public place, you will need to satisfy yourself that suitable systems are in place to ensure your workplace is safe and you and your workers are complying with your WHS duties.

What do I need to do?

Information on steps you can take to keep your workplace safe and comply with the WHS Act is provided at Attachment A. A checklist summarising this information is at Attachment B.

A table at Attachment C shows how WHS responsibility for routine matters within your office is shared between you and the Department. This guidance is general in nature,

and is not intended to cover all situations you may encounter during your work as a parliamentarian. If you are uncertain whether you will have WHS duties connected with a particular course of action you are contemplating, you should seek advice from your Entitlements Manager or Comcare.

A summary of all relevant duties set out in the WHS Act is provided at Attachment D.

Where can I get more information?

Comcare, the Commonwealth WHS regulator, provides general information and guidance about WHS at: www.comcare.gov.au

The Ministerial and Parliamentary Services (M&PS) website has a section on [work health and safety](#). This section of the website provides comprehensive information on WHS arrangements and services that the Department administers for you and your MOP(S) Act employees. It includes information to assist with hazards that you and your staff may encounter in the course of your work as a parliamentarian, and online training and advice specifically tailored to MOP(S) Act employment.

To discuss WHS arrangements within your office(s), please contact your M&PS Entitlements Manager on the number below*.



Jason Ford
Assistant Secretary
Entitlements Management Branch
Ministerial and Parliamentary Services

13 September 2016

***M&PS' Entitlements Managers**

Lauren Barons (NSW/ACT)	02 6215 3426
Deesiree Kauflin (VIC/TAS)	02 6215 3640
Bernadette Levett (SA/WA)	02 6215 1415
Shane McGaughey (QLD/NT)	02 6215 3827