

Safety Guidelines for the Live Entertainment and Events Industries

Part 1. WHS Commitment and Responsibilities

Version 2: effective September 2024

Contents

Part 1. WHS Commitment and Responsibilities

Disclaimer.....	2
Introduction and Purpose.....	3
i. Introduction.....	3
ii. Acknowledgements	3
iii. Definitions and Terms Used.....	4
iv. Using the LPA Safety Guidelines	4
Part 1. WHS Commitment and Responsibilities	6
1. Australian WHS/OHS Framework	6
1.1 Overview of the Australian WHS/OHS Regulatory Framework	6
2. Duty of Care Responsibilities	9
2.1 Care of patrons	9
2.2 Care of workers/employees	9
2.3 Duties of workers/employees.....	9
3. WHS Duty Holder Responsibilities.....	10
3.1 PCBU	10
3.2 Employer (Victoria).....	11
3.3 Officer	13
3.4 Worker	15
3.5 Employee (Victoria)	15
3.6 Others	15
4. Enforcement and Penalties	16
4.1 Enforcement measures.....	17
4.2 Offences	18
4.3 Entry permit holders	19
5. How to manage compliance – Safety Management Systems	20
6. Communication, consultaion and cooperation	22
6.1 Consultation requirements and strategies.....	22
6.2 What is meant by consultation?	22
6.3 Consulting with workers/employees.....	23
6.4 Powers and functions of Health and Safety Representatives	26
6.5 Consulting, cooperating & coordinating activities with other duty holders, influence and control.....	27
6.6 Managing consulting, cooperation and coordination with other PCBUs/Employers in live entertainment and events	29

7. Competency and training	30
7.1 What training is required under the WHS legislative framework?	31
7.2 What training is recommended as the minimum standard for people working in live entertainment and events?	32
7.3 Work safely in live entertainment and events – WHS awareness.....	32
7.4 What training records need to be kept?	35
7.5 National training packages	35

Disclaimer

In legislative terms, the requirements of the **Australian WHS/OHS Framework** are mandatory. In contrast, a guide is designed to assist obligation holders to comply with the requirements of an act or regulation.

Obligation holders still have a duty to assess the risks in each work situation and take all reasonable steps to eliminate or minimise the risks that are specific to each work activity, so far as reasonably practicable. These obligations are described in the *Occupational Health & Safety Act 2004 (Vic)* (**Victorian OHS Act**) at section 21 and in the Work Health Safety Acts in all other states and territories at section 19.

The information contained in the LPA Safety Guidelines for the Live Entertainment and Events Industries (**LPA Safety Guidelines**) is of a general nature and may not apply in all work situations, it is not mandatory and should not be regarded as legal advice. In any important matter, you should seek appropriate independent professional advice in relation to your own circumstances. Live Performance Australia (**LPA**) accepts no responsibility or liability for any damage, loss or expense incurred as a result of the reliance on information contained in this guide.

Introduction and Purpose

i) Introduction

The Safety Guidelines for the Live Entertainment and Events Industries (**LPA Safety Guidelines**) have been developed to promote leading practice in delivering safe events and safe working environments for live entertainment and event practitioners.

The objective of the LPA Safety Guidelines is to raise awareness of the practical and legislative requirement to manage health and safety issues appropriately and provide guidance about the best practice. This includes providing information on the legal framework and available resources.

The LPA Safety Guidelines are based on the Work Health Safety Acts (**WHS Acts**) and the Work Health Safety Regulations (**WHS Regulations**) of the state or territory where the work activities take place, and the *Occupational Health and Safety Act 2004 (Victorian OHS Act)* and the *Occupational Health & Safety Regulations 2017 (Vic) (Victorian OHS Regulations)* in Victoria.

The key to delivering safe events is understanding event hazards and associated risks and how best to manage and control them. Every event presents a unique combination of hazards and risks and everyone associated with the event has a duty to manage them. This duty applies to ensuring the safety and wellbeing of those organising and working on events, as well as safety of audiences and participants.

The LPA Safety Guidelines focus on building a risk management approach to event safety, emphasising the importance of planning, consultation and cooperation between the many parties involved in delivering safe events. They are intended to encourage a consistent approach while leaving scope for flexibility, taking into account the diverse nature of the live entertainment and events.

ii) Acknowledgements

These guidelines were developed by a dedicated working party, representing a diverse range of industry interests, and with extensive consultation with members of the industry. LPA would like to thank the working party who spent many hours writing and reviewing all components of the guides. The working group worked over many months to make this guide a reality. Though the membership of the group changed over the course of the project, each iteration remained committed to developing a guide that is relevant and understandable for our industry. Members of the group over the life of the project is listed below.

Sue Buckle	Michael Kent	Jono Perry
Adam Cartwright	Nick Kosij	Kyle Rowling
Chris D'Bais	Norman May	Kheong Sen Lim
Susan Gaylor	Paul McCarthy	Allan Spiegel
Tiny Goode	Bryan McCarthy	Frank Stoffels
Chris Hayes	Andrew Moon	David Storie
Graham Henstock	Eliza Neil	Andrew Thorne
Andrew Hepburn	Jim Niesel	Llyris Young
Mark Jamieson	Tim Panitz	
Marcus Kelson	Matthew Peckham	

iii) Definitions and Terms Used

Australian WHS/OHS Framework means Model WHS Legislation and Victorian Legislation

Employer means a person who employs one or more other persons under contracts of employment or contracts of training (Victorian OHS Act)

Model WHS Act means Work Health and Safety Act 2011 (Cth)

Model WHS Regulations means Work Health and Safety Regulations 2011 (Cth)

WHS Legislation Work Health and Safety Act 2020 (WA); Work Health and Safety Regulations 2022 (WA); Work Health and Safety Act 2012 (Tas); Work Health and Safety Regulations 2022 (Tas); Work Health and Safety Act 2012 (SA); Work Health and Safety Regulations 2012 (SA); Work Health and Safety Act 2011 (NSW); Work Health and Safety Regulations 2017 (NSW); Work Health and Safety Act 2011 (ACT); Work Health and Safety Regulations 2011 (ACT) Work Health and Safety Act 2011 (QLD); Work Health and Safety Regulations 2011 (QLD); Work Health and Safety Act 2011 (NT); Work Health and Safety Regulations 2011 (NT)

WHS Acts means *Work Health and Safety Act 2020 (WA); Work Health and Safety Act 2012 (Tas); Work Health and Safety Act 2012 (SA); Work Health and Safety Act 2011 (NSW); Work Health and Safety Act 2011 (ACT); Work Health and Safety Act 2011 (QLD); Work Health and Safety Act 2011 (NT)*

WHS Regulations means *Work Health and Safety Regulations 2022 (WA); Work Health and Safety Regulations 2022 (Tas); Work Health and Safety Regulations 2012 (SA); Work Health and Safety Regulations 2017 (NSW); Work Health and Safety Regulations 2011 (ACT); Work Health and Safety Regulations 2011 (QLD); Work Health and Safety Regulations 2011 (NT)*

PCBU means person conducting a business or undertaking (Model WHS Legislation)

SWMS means safe work method statement

Victorian OHS Act means *Occupational Health & Safety Act 2004 (Vic)*

Victorian OHS Regulations means *Occupational Health & Safety Regulations 2017 (Vic)*

Victorian Legislation means *Occupational Health & Safety Act 2004 (Vic); Occupational Health & Safety Regulations 2017 (Vic)*

iv) Using the LPA Safety Guidelines

The LPA Safety Guidelines provide a guide to the specific duties and obligations the Australian WHS/OHS Framework places on persons at the workplace and should be read in conjunction with the applicable WHS Legislation and Victorian OHS Legislation.

The LPA Safety Guidelines are divided into 3 parts:

Part 1. WHS Commitment and Responsibilities

- Overview of the Australian WHS/OHS Framework
- Duty of Care Responsibilities
- WHS/OH Duty Holder Responsibilities
- Enforcement and Penalties
- How to manage compliance
- Communication, consultation, and cooperation
- Competency and training

Part 2. Hazard Identification and Risk Management

- Principles of risk management
- The Risk management process
- Hazard Tools and Templates
- Understanding Hazards
- Safe Work Method Statements (SWMS guide and template)
- Event hazard checklist

Part 3. Hazard Guides

The Hazard Guides provide information on how to manage common hazards involved in live entertainment and events, including references to codes of practice, Australian Standards and other guidance information. There are twelve hazard guides:

- Audience and Crowd Management
- Electricity
- Event Rigging
- General Operations
- Hazardous Chemicals
- Performer Hazards
- Special Effects
- Stage Machinery and Automation Systems
- Temporary Structures
- Traffic and Vehicle Access
- Work at Height
- Work Environment

LPA also provides a comprehensive [Code of Practice to Prevent Workplace Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation](#). The Code provides comprehensive best practice guidance and terminology, templates and resources for implementing policies and procedures in their workplaces.

LPA is currently preparing Guidelines for managing psychosocial risks at work.

Part 1. WHS Commitment and Responsibilities

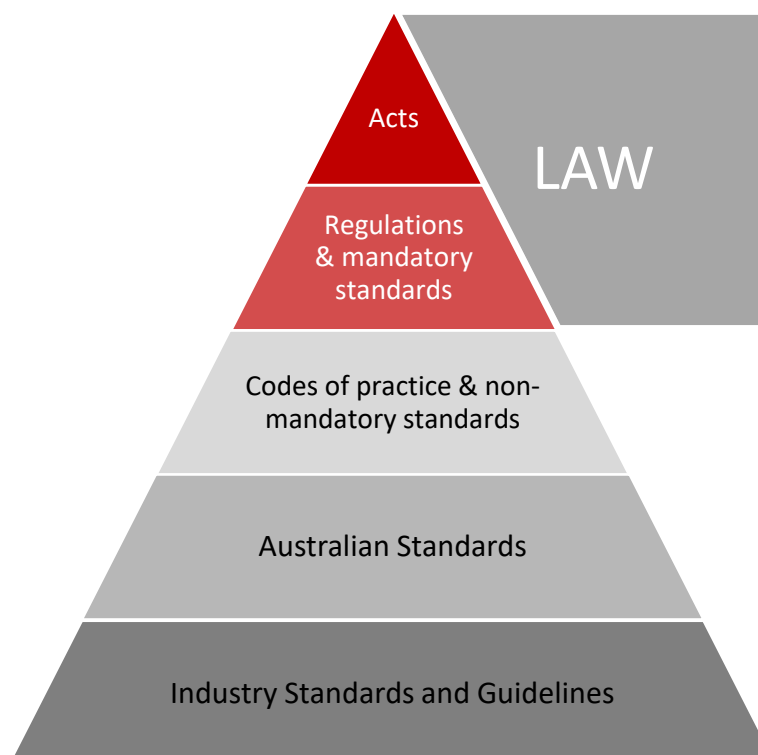
1. Australian WHS/OHS Framework

Safe Work Australia developed the model *Work Health and Safety Act 2011* (**Model WHS Act**) and *Work Health and Safety Regulations 2011* (**Model WHS Regulations**) with the aim to create a consistent work health safety approach nationwide. While each state and territory retains responsibility for regulating WHS laws within their jurisdiction, all states and territories, except Victoria, have enacted legislation reflecting the Model WHS Act (it is important to note that the WHS Acts & Regulations may differ among states):

- **Western Australia:** Work Health and Safety Act 2020; Work Health and Safety Regulations 2022
- **Tasmania:** Work Health and Safety Act 2012; Work Health and Safety Regulations 2022
- **South Australia:** Work Health and Safety Act 2012; Work Health and Safety Regulations 2012
- **New South Wales:** Work Health and Safety Act 2011; Work Health and Safety Regulations 2017
- **Queensland /ACT/Northern Territory:** Work Health and Safety Act 2011 & Work Health and Safety Regulations 2011
(together the **WHS Legislation**)

In **Victoria** the *Occupational Health & Safety Act 2004* (Vic) (**Victorian OHS Act**) and the *Occupational Health & Safety Regulations 2017* (Vic) (**Victorian OHS Regulations**) apply.

1.1 Overview Australian WHS/OHS Regulatory Framework



The **WHS Acts** and the **Victorian OHS Act** are the state/territory laws that set out **what duty holders must do**. They specify the broad obligations of duty holders to ensure the health and safety of workers and other people present at, or near, a workplace. These are mandatory obligations and also cover workplace health and safety management arrangements.

The **WHS Regulations** and the **Victorian OHS Regulations** are laws that define **how certain things must be done**. The WHS Regulations/Victorian OHS Regulations supplement the WHS Act/Victorian OHS Act and provide more detailed information about a wide range of matters relating to work health and safety including:

- Health and safety representative election process
- Investigators and statutory notices
- Details about incident notification
- Exemptions

The Regulations also cover general requirements for hazard identification, risk assessment and controls for high risk areas such as:

- Occupational noise
- Hazardous manual tasks
- Confined spaces
- Falls
- High risk work
- Demolition work
- Diving work
- Plant and structures
- Construction work
- Hazardous chemicals
- Lead
- Asbestos
- Major hazard facilities
- Plant and structures

Codes of Practice provide practical guidance on approved ways to meet the standards of work health and safety. Although they are not laws, they may be relied on to determine what is reasonably practicable in the circumstances to which the code relates. The codes should be followed unless there is another means of achieving the same or better standard of health and safety.

Codes of practice can be accessed here: [Safework Australia: Codes of Practice](#)

In addition to the model codes of practice established under the WHS Act, some states and territories have preserved selected codes of practice from previous legislation. For further details consult state and territory regulators.

Australian and New Zealand Standards are not law unless they are referenced in the legislation. If they are referenced, then they become law and must be followed.

Industry Standards provide advice and guidance to industry members about how to meet their obligations under various forms of legislation. There are a number of standards published for the international entertainment industry and these are an excellent reference for industry best practice, however care needs to be taken to ensure that these do not clash with local standards.

Industry standards can be accessed here: [ETSA published documents](#)

Guidance Material, developed by Safe Work Australia and state and territory regulators also provide advice to duty holders on the application of the legislation and how duty holders are to meet their obligations.

Safe Work Australia provide extensive materials on the WHS regulatory framework, including:

- Model Work Health and Safety Laws
[Model WHS laws | Safe Work Australia](#)
- Guide to the model WHS Act 2011
[Model WHS Act cross-comparison table](#)
- Safe Work Australia Codes of Practice
[SWA Codes of Practice](#)
- Safe Work Australia Guidance Material
[Resources and publications | Safe Work Australia](#)

2. Duty of Care Responsibilities

The WHS Acts and the Victorian OHS Act imposes specific duty of care responsibilities on PCBU/Employers and Workers/Employees concerning safety.

Duty of Care	WHS Acts	Victorian OHS Act
<p>2.1 CARE FOR PATRONS</p> <p>Duties of PCBU/Employers to audience</p>	<p>Division 2 - Primary Duty of Care, Section 19(2)</p> <p>‘A person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking’.</p>	<p>Division 2 - Main duties of employers, section 23(1)</p> <p>‘An employer must ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.’</p>
<p>2.2 CARE FOR WORKERS/EMPLOYEES</p> <p>Duties of PCBU/Employer to workers/employees</p>	<p>Division 2 – Primary Duty of Care, section 19(2)</p> <p>‘A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:</p> <ul style="list-style-type: none"> (a) Workers engaged or caused to be engaged by the person; and (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking’. 	<p>Division 2 – Main duties of employers, section 21(1)</p> <p>‘An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health’.</p>
<p>2.3 DUTIES OF WORKERS/EMPLOYEE</p> <p>Requirements on employees concerning safety</p>	<p>Division 4 - Duty of workers, Section 28</p> <p>‘While at work, a worker must:</p> <ul style="list-style-type: none"> a) take reasonable care for his or her own health and safety; b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.’ 	<p>Division 4 - Duty of employees, Section 25</p> <p>‘While at work an employee must:</p> <ul style="list-style-type: none"> (a) take reasonable care for his or her own health and safety; (b) take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace; and (c) co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or under this Act or the regulations. <p>While at work, an employee must not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health, safety or welfare. In determining for the purposes of subsection (1)(a) or (b) whether an employee failed to take reasonable care, regard must be had to what the employee knew about the relevant circumstances.’</p>

3. WHS Duty Holder Responsibilities

The Australian WHS/OHS Framework places specific duties and obligations on persons at the workplace, depending on their level of authority and influence. These PCBU/Employers, Workers/Employees, officers and others. The following table provides definitions of those persons at the workplace who have specific duties and obligations and an explanation of those duties and obligations.

Term	Definition	Explanation
<p>3.1 PCBU</p> <p>(Person conducting a business or undertaking)</p>	<p>Section 5 of the WHS Act</p> <p>Person conducting a business or undertaking (PCBU) is a person conducting a business or undertaking alone or with others, whether or not for profit or gain.</p> <p>A PCBU can be a sole trader (for example a self-employed person), each partner within a partnership, company, unincorporated association or government department of public authority (including a municipal council). This can include a ‘volunteer association’ only if they act as an employer.</p> <p>What is a PCBU responsible for?</p> <p>A PCBU has the primary duty of care to <i>‘ensure so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the business or undertaking by eliminating or minimising risks. The duty includes:</i></p> <ul style="list-style-type: none"> • Providing and maintaining a safe work environment • Providing and maintaining safe plant, structures and systems of work • Ensuring the safe use, handling and storage of plant, structures and substances • The provision of adequate facilities and provisions of information, training, instruction and supervision • A duty cannot be transferred or delegated to someone else 	<p>The definition applies to PCBUs with management or control of workplaces, and PCBUs who are designers, manufacturers, suppliers, importers and installers. Contractors, subcontractors and self-employed persons may be both a PCBU and a worker.</p> <p>PCBUs who are designers, manufacturers, importers, suppliers and installers of substances, structures and plant have a duty to ensure the safety of the items produced, designed, imported, supplied and installed. They must carry out or arrange tests. Importantly they must provide necessary information to other PCBUs, officers, and end users.</p> <p>Several PCBUs may share responsibility with other business operators involved in the same activity or workplace. Where this happens, each PCBU must carry out their duty in relation to the activities they can influence or control. They must consult, cooperate and coordinate activities with others who also have a duty.</p> <p>Section 5(4) of the WHS Acts makes it clear that <u>an individual is not a PCBU if they are involved in the business or undertaking only as a worker or officer</u> of the business or undertaking.</p> <p>Tasks to manage risks may be delegated, but ultimately each relevant PCBU has a duty of care to manage risk under legislation.</p>

<p>3.2 EMPLOYER</p> <p>Victoria uses the term 'employer', not PCBU</p>	<p>Section 5 of the OHS Act (Vic) Employer means a person who employs one or more other persons under contracts of employment or contracts of training.</p> <p>Labour Hire Section 5A extends the definition of employer and employee to labour hire.</p> <p>Labour Hire workers are 'Employees' of the 'host' employer as well as employees of the labour hire firm.</p> <p>What is an Employer responsible for?</p> <p>Section 20: The concept of ensuring health and safety: A person must ensure, so far as reasonable practicable:</p> <ul style="list-style-type: none"> to eliminate risks to health and safety, and if it is not reasonably practicable to eliminate those risks, to reduce those risks so far as is reasonably practicable <p>Section 21: Duties of the employer 'To provide and maintain so far as reasonably practicable a working environment that is safe and without risk to health'. The employer must:</p> <ul style="list-style-type: none"> provide and maintain (so far as reasonably practicable) safe plant (machinery, tools) and systems of work ensure that (so far as reasonably practicable) the use, handling, storage & transport of plant and substances (chemicals) is safe & without risks to health ensure that (so far as reasonably practicable) the workplace under their 	<p>Person - includes a body corporate, unincorporated body or association and a partnership. Therefore, when the Victorian OHS Act states 'person' it often is not an individual.</p> <p>Labour Hire For the purposes of the Victorian OHS Act, a person is an 'Employer' of a worker, and the worker is taken to be an employee of the Employer, if a provider of labour hire services supplies the worker to, recruits the worker for or places the worker with the person to perform work for the person.</p> <p>This means, a labour hire worker is treated as an 'employee' of the host employer.</p> <p>Host employer: (in line with the Labour Hire Authority) people or organisations who run businesses that use labour hire workers to perform work in their business</p> <p>What is an Employer responsible for?</p> <p>Section 22 - Duties of employers to monitor health and conditions, etc An employer must, so far as is reasonably practicable monitor the health of the employees; and monitor the conditions at the workplace under their management and control (eg heat, cold, dust levels, fumes, and so on) ; and provide information to employees (including in appropriate other languages) on health and safety, including the names of the appropriate person to report an OHS issue/enquiry</p> <p>An employer must, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> keep information and records on the health and safety of employees; and employ experts (people who are 'suitably qualified') to provide advice. <p>Note: There is a WorkSafe Position on Section 22(2)(b) 'suitably qualified' (made under Section 12 of the Act) which provides an explanation of what this means, and also a useful handbook for employers: Getting help to improve health and safety See: WorkSafe Victoria Suitably Qualified</p>
---	---	---

	<p>control is safe and without risks to health</p> <ul style="list-style-type: none"> • provide adequate facilities (washrooms, toilets, lockers, dining areas, first aid, etc) again, so far as reasonably practicable • provide as much information, instruction, training and supervision to the workers so that they can work safely, etc NOTE - this is NOT qualified by 'so far as is reasonably practicable'. <p>WorkSafe has produced a guideline (made under Section 12 of the OHS Act, 2004): How WorkSafe applies the law in relation to Reasonably Practicable which explains the concept and its application. See: WorkSafe Victoria Reasonably Practicable</p>	<p>Section 23: Duties of employers to other persons</p> <p>An employer has a legal duty to make sure that the health and safety of OTHER people (not employees) is not put at risk from anything the employer, his business or his workers might do.</p> <p>This duty also applies to self-employed persons.</p> <p>Other employer duties:</p> <p>In addition, the Victorian OHS Act sets out a number of other duties for employers, including:</p> <ul style="list-style-type: none"> • Part 4 - Duties of employers to consult • Part 5 - Duties relating to notifying WorkSafe of certain incidents - this duty was previously covered under separate regulations. • Part 7 - Obligations to health and safety reps & obligations with regard to resolution of OHS issues • Employers, like other parties including workers, can also be charged with the new offence of 'reckless endangerment'.
<p>What is 'Reasonably practicable'?</p> <p>Section 18 of the WHS Act states '<i>reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:</i></p> <ol style="list-style-type: none"> <i>the likelihood of the hazard or the risk concerned occurring</i> <i>the degree of harm that might result from the hazard or the risk</i> <i>what the person concerned knows, or ought reasonably know, about the hazard or risk, and ways of eliminating or minimising the risk</i> <i>the availability and suitability of ways to eliminate or minimise the risk, and</i> <i>after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.'</i> <p>To take reasonably practicable steps involves gathering the above information and using that information to determine what steps can be taken to remove or reduce health and safety risks.</p> <p>It is then required to take those steps unless the cost would be grossly disproportionate to the risk. This does not mean risks should only be controlled if you can afford it. If you can't afford to control a hazard and the cost is not disproportionate, then you should cease the activity.</p> <p><u>In Victoria</u></p> <p>What does 'reasonably practicable' mean?</p> <p>Reasonably practicable - this is covered under Part 3, Section 20 of the Act and applies to the general duties relating to health and safety:</p> <p>To avoid doubt, for the purposes of this Part and the regulations, regard must be had to</p>		

	<p>the following matters in determining what is (or was at a particular time) reasonably practicable in relation to ensuring health and safety:</p> <ul style="list-style-type: none"> (a) <i>the likelihood of the hazard or risk concerned eventuating;</i> (b) <i>the degree of harm that would result if the hazard or risk eventuated;</i> (c) <i>what the person concerned knows, or ought to reasonably know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;</i> (d) <i>the availability and suitability of ways to eliminate or reduce the hazard or risk;</i> (e) <i>the cost of eliminating or reducing the hazard or risk.</i> 	
<p>3.3 OFFICER</p>	<p><u>Officer</u> means:</p> <p>An officer within the meaning of Section 9 of the <i>Corporations Act 2001</i> of the Commonwealth other than a partner in a partnership, or an officer of the Crown, or an officer of a public authority</p> <p>As defined in the <i>Corporations Act 2001</i> an officer can be:</p> <ul style="list-style-type: none"> ▪ a director or secretary of a corporation ▪ any person who can make, or participate in making, decisions that affect the whole, or a substantial part, of the business of the corporation ▪ a person who has the capacity to affect significantly the corporation’s financial standing. <p>Also included in the full definition are officers such as receivers, administrators, liquidators etc.</p> <p>What is an Officer Responsible for?</p> <p>An officer of a PCBU must take reasonable steps to ensure that the PCBU is complying with their safety obligations under WHS laws. It is an officer’s duty to exercise due diligence to ensure that health and safety obligations are being met. Due diligence is specifically defined and includes knowledge of WHS and business risks, allocation of resources, WHS reporting, compliance and verification processes.</p> <p>In Victoria</p> <p>Officers are generally only those people at the most senior levels of an organisation that are genuinely in a position to contravene the Victorian OHS Act.</p> <p>An officer is:</p> <ul style="list-style-type: none"> • a director or secretary of a corporation • an officer holder or a partnership, unincorporated body or an association 	<p>An officer is a broad term that applies to people who can make decisions that significantly affect a <u>business or undertaking</u>.</p> <p>It is important for all PCBU/Employers to identify their officers within their company or organisation and ensure they are aware of their “due diligence” obligations.</p> <p>Officers are defined as the top decision makers for the business or PCBU. (e.g. Safety Manager or Manager or a Board Member). They have the ability to influence decisions on safety procedures in the business.</p> <p>If a person is responsible only for implementing those decisions, they are not considered an officer. (e.g. a supervisor or team leader)</p> <p>Key points in determining what are reasonable steps for an officer:</p> <ul style="list-style-type: none"> • Ensure all the information upon which make an educated and informed decision about the particular situation • Ensure that the information gathered is accurate <p>Ensure that you are able to demonstrate that consultation with the appropriate people in the business has occurred and it has helped form the decisions made</p>

	<ul style="list-style-type: none"> • a person who makes, or participates in making decisions that affect the whole , or substantial part of the business • a person who has the capacity to significantly affect the corporation’s financial standing • a person in accordance with those instructions or wishes the directors of the corporation are accustomed to act (unless the person is providing advice in a professional capacity • a receiver, or receiver and manager, of the property of the corporation • an administrator of a corporation • an administrator of a deed of company arrangement executed by the corporation • a liquidator of the corporation • a trustee of the corporation • a trustee or other person administering a compromise arrangement made between the corporation and someone else. <p>Who is not an officer?</p> <ul style="list-style-type: none"> • Volunteers whether or not they receive out of pocket expenses • Branch office managers, middle level managers and supervisors in small businesses. (This is because they generally implement the decisions of others or report to the higher levels within their organisation). <p>See: Work Safe Victoria: Information for senior officers of organisations.</p>	
<p>Due diligence is a positive duty that requires proactive action. It cannot be passed on to middle managers or supervisors. An officer will need to show that where they rely on information and activities from other people, that they are able to demonstrate that this reliance is reasonable.</p> <p>The reasonable steps officers must take to exercise due diligence include to:</p> <ul style="list-style-type: none"> ▪ Acquire and keep up-to-date knowledge on WHS matters ▪ Gain an understanding of operations, hazards and risks ▪ Use resources and processes to eliminate/minimise risks ▪ Have processes to receive, review and respond to incident and hazard information ▪ Ensure PCBU implements processes for complying with duties, such as consultation, training, and reporting of notifiable incidents ▪ Verify the provision and use of resources and procedures. <p>Safework NSW provide further information on reasonable steps officers must take to ensure due diligence:</p> <p>WHS PCBUs, workers and officers: Fact sheet SafeWork NSW Due diligence SafeWork NSW</p>		

<p>3.4 WORKER</p> <p>WHS Acts</p>	<p>Definition – Worker</p> <p>The definition of a Worker includes any person who carries out work for a PCBU.</p> <p>A worker includes any person who works as an:</p> <ul style="list-style-type: none"> ▪ employee ▪ contractor or sub-contractor ▪ employee of a contractor or sub-contractor ▪ employee of a labour hire company ▪ apprentice, trainee, outworker, work experience student or volunteer. <p>Responsibility</p> <p>A worker must, while at work:</p> <ul style="list-style-type: none"> ▪ take reasonable care for his or her own health and safety ▪ take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons ▪ comply with any reasonable instruction that is given by the PCBU ▪ co-operate with any reasonable policy or procedure of the PCBU 	<p>Worker</p> <p>Section 19 of the WHS Acts means that all workers are owed exactly the same primary duty of care.</p> <p>This is the case regardless of how they are employed or engaged and irrespective of whether or not they are a duty holder in their own right and they in turn owe a primary duty to their workers (i.e. contractors and their workers).</p> <p>For example: a performer is covered by the definition of worker.</p>
<p>3.5 EMPLOYEE</p> <p>Victoria</p>	<p>Definition – Employee</p> <p>In Victorian OHS Act, the term Employee is used and incorporates contractors, sub-contractors</p> <p>Section 5: Definitions states:</p> <p><i>'employee means a person employed under a contract of employment or contract of training';</i></p> <p>On 22 March 2022, the definition of Employer and Employee has been extended to provide additional protections to labour hire employees. Labour Hire workers will now be 'employees' of the 'host' employer as well as employees of the labour hire firm.</p>	<p>Who is an employee?</p> <p>If a company contracts work out to a contractor, then that contractor, and the employees of that contractor are considered to be employees of the original company.</p> <p>Example: Matt works for Post Productions head office in St Kilda Rd.</p> <p>He works in the evenings, for Post Productions at The Dance Club in Exhibition St in the city. Post Productions is his employer and must provide information and training, safe & healthy equipment, protective clothing, chemicals and systems of work, etc.</p> <p>But as he is working in The Dance Club building, The Dance Club has the responsibility to make sure the building is safe (e.g. floors, lifts, exits, any equipment on site etc).</p>
<p>3.6 OTHERS</p>	<p>Responsible for ...</p> <p>Other persons at the workplace are required to take reasonable care for their own health and safety, take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons and comply with any reasonable instruction that is given by the PCBU/Employer.</p>	<p>Other persons such as visitors, customers, members of the public etc must also comply with directions given on behalf of the PCBU by a worker such as instructions given by safety, technical, front of house and security staff.</p>

	<p>In Victoria Employers also have a duty to people who are not their employees.</p> <p>Employers must, so far as is reasonably practicable, ensure their business activities do not put the health and safety of members of the public at risk.</p>	<p>In Victoria Visitors must take direction from a responsible person.</p> <p>This includes protecting visitors to a workplace, protecting the general public from construction or demolition work near roads and footpaths and preventing the emission of hazardous substances from a workplace.</p> <p>People passing a venue should have protection from the risk of falling objects & from traffic entering or leaving the venue</p> <p>Visitors to a conference centre, such as truck drivers making deliveries and customers, should have protection from exposure to hazardous areas or moving equipment</p> <p>A production company installing equipment for a concert in a park should ensure members of the public are not exposed to risks such as being hit by falling truss or PA equipment.</p>
--	---	--

4. Enforcement and Penalties

The Australian OHS/WHS Framework is supported by the National Compliance and Enforcement Policy, which sets out the approach taken by state and territory regulators to monitor and enforce compliance with the WHS Acts and Regulations and the Victorian Legislation.

The state/territory regulators monitor compliance with work health and safety laws in a number of ways such as through the use of inspection powers and carrying out audits. The regulators also receive incident notifications and requests to respond to work health and safety issues.

State and territory regulators appoint inspectors to monitor and enforce compliance under Division 1, Part 9 of the WHS Act and Division 1, Part 9 of the Victorian OHS Act. While each state regulator directs their inspectors in using their compliance powers, the broad functions and powers of inspectors are defined by the act and include:

- To provide information and advice about how to comply with the WHS Act and Regulations
- To help resolve work health and safety issues at workplaces
- To help resolve issues about entry to workplaces by assistants to Health and Safety Representatives and WHS entry permit holders under the WHS Act
- To review disputed Provisional Improvement Notices
- To require compliance with the WHS Act by issuing notices
- To investigate contraventions and assist to prosecute offences
- To attend coronial inquests for work-related deaths and examine witnesses

Victoria: [Worksafe Inspectors and Enforcement](#)

Other states and territories: [What powers do inspectors have to enter workplaces](#)

4.1 Enforcement measures

The WHS Act provides for a range of enforcement measures. Responsible persons must understand the range of enforcement tools used and their obligation to comply with these.

Safework Australia: [National Compliance and enforcement policy](#)

Worksafe Victoria: [Enforcement policies and activities](#)

Responsibility	Compliance Measure	Compliance
Health and Safety Representative (HSR)	<p>Provisional Improvement Notice (PIN)</p> <p>Issued if the HSR:</p> <ul style="list-style-type: none"> reasonably believes a person is breaching, or has breached, WHS laws in circumstances that make it likely that the breach will continue or be repeated; and it has not been possible to fix the problem by consultation. 	HSR must have received training in issuing PIN notices. PINs can only be issued in relation to a contravention that affects the work area they represent and they must be displayed at the worksite.
WHS Inspector	<p>Improvement Notice</p> <p>Issued by an inspector requiring a WHS contravention to be remedied within a certain period of time, or a likely contravention to be prevented.</p>	<p>An inspector must include what they believe the contravention is, which provision it relates to and a date to fix the contravention. The notice may include directions or recommendations on how to fix the contravention.</p> <p>A person must comply with the notice, in the time specified. Reviews and time extensions may be granted.</p>
	<p>Prohibition Notice</p> <p>Issued by an inspector if an activity is occurring or may occur that would involve a serious risk to the health or safety of a person from exposure to a hazard. The notice may prohibit the activity being done or the way in which it is undertaken.</p>	<p>A person must comply with the notice. It may include directions or recommendations on how to remedy the contravention</p> <p>The notice may prohibit the activity being done or the way in which it is undertaken. Must be issued in writing.</p>
	<p>Non-disturbance Notice</p> <p>A non-disturbance notice may require the person to:</p> <ul style="list-style-type: none"> preserve the site at which a notifiable incident has occurred; and/or prevent the disturbance of a particular site in other circumstances. <p>A non-disturbance notice must set out what the person should do to preserve the site and for how long.</p>	<p>A person must comply with the notice in the time specified.</p> <p>Reviews and time extensions may be granted.</p>
	<p>Infringement Notice</p> <p>Inspectors may issue 'on the spot' fines as</p>	Penalties must be paid by the due date.

	an alternative to prosecution or sanctions for prescribed offences.	Person issued fine may seek review or may seek to have the matter heard in a court.
Relevant Court	Injunctions Sought by the regulator to enforce restraint, improvement, prohibition and non-disturbance notices.	An order from the court for an injunction requires the person to comply with the notice.
PCBU/Employer and the Regulator	Enforceable Undertakings Sought by a PCBU and agreed to by the regulator, an enforceable undertaking includes the actions that would be taken in response to a WHS contravention Established to provide an alternative to prosecution and promote resolution of WHS issues rather than imposing fines and punitive action Cannot be used for Category 1 Offences (see below).	It is an offence for a person to contravene a WHS undertaking.
Director of Public Prosecutions, Regulator or inspector	Civil and criminal prosecution Prosecutors must prove all matters relating to non-compliance with duties of care	Any order resulting from prosecution must be complied with.

4.2 Offences

Health and Safety Duty Offences

Category 1 – a duty holder, without reasonable excuse, engages in conduct with gross negligence or are reckless as to the risk to an individual of death, serious injury or illness.

Category 2 – a duty holder fails to comply with a health and safety duty that exposes a person to risk of death, serious injury or illness.

Category 3 – a duty holder fails to comply with a health and safety duty.

Monetary penalties for the model 3 offences as at 1 July 2024			
Tier	Max penalty (individual - PCBU or an officer of a PCBU)	Max penalty (Individual other)	Maximum penalty (body corporate)
Category 1	\$2,312,000	\$1,156,000	\$11,561,000
Category 2	\$464,000	\$232,000	\$2,318,000
category 3	\$155,000	\$78,000	\$776,000
Industrial Manslaughter	The model WHS Act includes a jurisdictional note to enable jurisdictions to insert an industrial manslaughter offence. The model penalty is \$18 million for corporate bodies and 20 years' imprisonment for an individual.		

Also see: [Safe Work Australia: Penalties under the WHS laws](#)

Monetary penalty amounts are expressed differently between jurisdictions.

The [maximum monetary penalties comparison table](#) sets out a selection of offences in the model WHS Act that attract a monetary penalty for the purpose of comparing maximum monetary penalties across each of the jurisdictions that have implemented the model WHS laws.

The table is not intended to be a comprehensive summary of all offences in the model WHS Act.

An additional table summarising penalties is contained in the Victorian OHS Act.

For further information on penalties in your state or territory, refer to the specific WHS Act of your jurisdiction, or contact the relevant WHS regulator.

4.3 Entry Permit Holders

The WHS Act allows union officials who hold a WHS entry permit (and a Fair Work Act permit) to enter a workplace to enquire into a suspected contravention of WHS that affects a relevant worker (member or eligible to be a member).

They must have a reasonable suspicion of a suspected contravention to do so, can enter without notice, and must advise they have done so as soon as practicable. They may conduct inspections of the workplace and records and consult with workers about the suspected contravention. A range of other requirements apply to both the entry permit holders and the PCBUs to ensure safety, privacy, and minimum disruption to work. If there is a dispute regarding the right of entry, either the PCBU or the entry permit holder can request a WHS inspector be sent to resolve the dispute.

Further information:

- **Safe Work Australia:** [Worker representation and participation guide](#)
- **Fair Work Ombudsman:** [Right of entry](#)
- **New South Wales:** [Guide to workplace right of entry by work health and safety entry permit holders](#)
- **Northern Territory:** [Entry Permit Holders](#)
- **South Australia:** [Consultation and worker representation](#)
- **Tasmania:** [Roles, functions and powers of HSRs](#)
- **Victoria:** [Guide to the right of entry by authorised representatives](#)
- **Western Australia:** [Right of entry](#)

5. How to manage compliance – Safety Management Systems

A safety management system provides a framework to manage safety in an integrated and coordinated way. The goal of the system is to ensure safety outcomes by capturing all elements of the organisation’s approach to safety, making sure that these procedures are comprehensive enough to manage risks, are systematically implemented, and that there are no gaps in the system.

The key elements included in a safety management system are:

- Policies – WHS policy and commitment
- Management – who is responsible, accountable, contacts
- Planning processes – integrated with other systems
- Consultation – involving workers (including contractors) and other PCBUs, and communicating outcomes
- Risk management process – systems, procedures and measures for identifying hazards, risk assessment, controls, review of controls, relevant insurances
- Supervision, information, instruction and training – including competence verification and testing
- Injury management, treatment and claims and return to work procedures
- Incident reporting, analysis and review
- Processed for measuring and evaluating WHS performance
- Safety management **systems review – improvement to any element of the system**

A quality cycle approach will underpin the safety management system:



Integrating each element into a safety management system will allow an organisation to document their approach to managing WHS/OHS responsibilities. Just as important, attention must be focussed on involving workers and others in developing, implementing and improving elements of the system. With the exception of some very high risk industry sectors safety management systems are *not required* under the Australian OHS/WHS Framework. A safety management system will

however provide a primary means for achieving a safer workplace in a systematic and coordinated way.

For further information on safety management systems see:

- [ISO 45001:2018 - Occupational Health and Safety Management Systems](#)
- [Comcare - WHS Management System](#)
- [Work Safe \(Vic\) - OHS Management Systems \(OHSMSs\)](#)
- [Work Safe \(Qld\) - WHS Management Plans](#)
- [Safe Work \(NSW\) - Prepare a safety management plans](#)
- [Work Safe \(NT\) - How to manage WHS risks](#)
- [Safe Work \(SA\) - Managing risk](#)

6. Communication, Consultation and Cooperation

6.1 Consultation requirements and strategies

Managing workplace health and safety requires effective communication and consultation with internal and external stakeholders. Stakeholders such as managers, employees, suppliers, designers and contractors all have an important role to play in ensuring the workplace is healthy and safe. All these stakeholders have valuable information and knowledge about risks and ways to ensure production and event work can be carried out safely. Each party also carries obligations or duties under the WHS Acts and the Victorian OHS Act that can only be met through planned and effective communication and consultation. Under the WHS Act and the Victorian OHS Act consultation with workers is a legal requirement. Consultation, cooperation and coordination between PCBU/Employers is a requirement where they share a duty for the safety of a worker or for work to be done.

Safe Work Australia: [WHS Duties – Consultation](#)

Work Safe Victoria: [Consultation](#)

6.2 What is meant by consultation?

Consultation is a two-way process of informed communication prior to a decision being made. It does not mean that all parties need to reach agreement, but all parties should be given the opportunity to discuss and contribute to decisions around WHS.



6.3 Consulting with Workers/Employees

WHS Act Section 47

A PCBU must consult, so far as is reasonably practicable, with workers who carry out work for the business or undertaking and who are (or are likely to be) directly affected by a health and safety matter

Safe Work Australia: [WHS duties – Consulting with workers](#)

Victorian OHS Act Part 4

Section 35 the Victorian OHS Act provides for 'duty of employers to consult' and regulation 21 of the Victorian OHS Regulations provide for 'how to involve HSRs in consultation'. An employer who contravenes these sections is guilty of an offence.

Work Safe Victoria:

- [Consultation: Safety basics](#)
- [Consultation with health and safety representatives](#)
- [Duty on labour hire providers and host employers to consult, cooperate and coordinate](#)
-

When must workers/employees be consulted?

A PCBU/Employer must consult with workers/employees and take their views into account when:

- Identifying hazards and assessing risks arising from work
- Proposing changes that may affect the health and safety of workers
- Making decisions about the procedures, including those for consultation or resolving health or safety issues
- Monitoring the health and safety of workers or workplace conditions at the workplace and providing information and training to workers
- Carrying out activities prescribed by the WHS Regulations and the Victorian OHS Regulations.

How should I consult with workers?

It is up to each workplace to decide on what approach to consultation best suits their work situation. The legislation does not state how to consult, although it does require that workers be consulted on how they want safety consultation to happen.

Similarly, unless requested by workers, there is no obligation to establish Health and Safety Representatives (HSRs) or a Health and Safety Committee. Nevertheless, many organisations working in live entertainment and events will do so as a part of meeting WHS obligations and ensuring good safety practices.

Consultation procedures that are agreed with workers will be more effective if they include:

- The matters that require consultation
- Who will be consulted
- How the consultation will take place, including how workers and HSRs will provide input

- How information will be shared with others
- Timeframes for consultation and review

Consultation should be planned and systematic and noted so that evidence exists if required in the future. If the workforce is small and working in close proximity, daily communication may be sufficient to meet consultation requirements. Where activities involve multiple work groups, a range of suppliers and contractors, or are spread over different hours of work or different sites, the consultation arrangements will need to be more formal.

Live entertainment and events have multiple potential risks due to their complexity and size. Active consultation mechanisms are required to ensure risks are understood and managed.

- Examples include:
 - HSRs – including formal and informal communication with workers
 - Health and Safety Committees – agreed membership with regular meetings at least quarterly where members discuss health and safety issues relevant across the organisation and specific issues
 - Weekly general staff meetings with a regular WHS agenda item
 - Induction explaining consultation mechanisms and opportunities to contribute advice on workplace health and safety
 - Information sessions on specific issues
 - Event planning meetings with specific WHS agenda items
 - Discussion among workgroups with supervisors or HSR reporting and relaying issues and action
 - Communication sessions about action plans and progress to resolve safety matters
 - Toolbox meetings and other semi-formal discussions
 - Review sessions on satisfaction with the consultation process

For further suggestions on methods to consult see the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice.

- **Safe Work Australia:** [Model Code of Practice: Work health and safety consultation, cooperation and coordination](#)

When do I need to establish Designated Work Groups (DWG)

Under the Victorian OHS Act 2004, Part 7, Representation of employees, an employee may ask his or her employer to establish designated workgroups (DWGs) of employees of the employer at one or more workplaces. The particulars of the DWG are to be determined by negotiation between the employer and employees.

This negotiation process takes into account what best and most conveniently enables the interests of those employees, relating to occupational health and safety, to be represented and safeguarded.

An employer must do everything reasonable to ensure that negotiations start within 14 days after the employee request.

Sections 43 – 46, 53 of the OHS Act provides for DWGs for single employers and sections 47 – 52, 53 of the OHS Act provides for DWGs for multiple employers

For more information see: [Designated work groups | WorkSafe Victoria](#)

Under the WHS Acts in all other states and territories, under section 50, a work group must be established by the person conducting a business or undertaking (PCBU) when a worker, or workers, request that an HSR be elected. The work group is formed after consultation between the PCBU and the worker (or workers). By aligning workers into work-related groups, the work group ensures that an HSR can appropriately represent its workers.

For more information see: [Worker representation and participation guide | Safe Work Australia](#)

When do I need to establish Health and Safety Representatives (HSRs) or a Health and Safety Committee (HSC)?

Health and Safety Representatives

Under the Victorian OHS Act 2004, Division 4 Health & Safety Representatives, Section 54, a health and safety representative for a designated work group is to be elected by the members of the designated work group, they are only eligible to be elected as a health and safety representative for a designated work group if he or she is a member of that group. Where HSRs have been elected they must always be included in any consultation that affects their workgroup.

For more information see: [Health and safety representatives | WorkSafe Victoria](#)

Under the WHS Acts in all other states and territories, Subdivision 4, Election of health and safety representatives, Section 60, 61, a worker is eligible to be elected as a health and safety representative for a work group only if he or she is a member of that work group. The workers in a work group may determine how an election of a health and safety representative for the work group is to be conducted.

For more information see: [Health and safety representatives and work groups | Safe Work Australia](#)

Health and Safety Committees

Under the Victorian OHS Act 2004, Division 7—Health and safety committees, Section 72, an employer must establish a health and safety committee within 3 months after being requested to do so by a health and safety representative; or if required by the regulations to do so. At least half of the members of a health and safety committee must be employees (and, so far as practicable, health and safety representatives or deputy health and safety representatives) of the employer.

For more information to establish a HSC see: [Health and safety committees | WorkSafe Victoria](#)

Under the WHS Acts in all other states and territories, Division 4, Health and safety committees, Section 75, the person conducting a business or undertaking at a workplace must establish a health and safety committee for the business or undertaking or part of the business or undertaking, as soon as practicable, but not later than 28 days after being requested to do so by a health and safety representative for a work group of workers carrying out work at that workplace; or 5 or more workers at that workplace; or if required under a regulation to do so, within the time prescribed under a regulation.

For more information see: [Health and safety committees | Safe Work Australia](#)

6.4 Powers and functions of Health and Safety Representatives

HSRs are elected by a work group to represent the health and safety interests of the work group. The HSR must be a member of the workgroup (a worker).

The PCBU/Employer must keep a current list of all HSRs, display a copy at the relevant workplace and provide a list to the WHS regulator.

Section 68-69 of the WHS Regulations define the powers and functions of HSR to:

- Represent the workers in their work group in relation to work health and safety matters
- Monitor the measures taken by the PCBU to comply with the WHS Act in relation to their work group members
- Investigate complaints from work group members about work health and safety
- Inquire into anything that appears to be a risk to the health or safety of work group members arising from the conduct of the business or undertaking

In undertaking their functions, HSRs can:

- Inspect the workplace at any time after giving reasonable notice to the PCBU, or
- Inspect the workplace without notice if there is a serious risk to the health or safety of a person from immediate or imminent exposure to a hazard
- Accompany an inspector during an inspection of any part of the workplace
- Request the establishment of a Health and Safety Committee
- In some circumstances, direct a work group member to cease unsafe work or issue a Provisional Improvement Notice (PIN)
- In some circumstances request a review of a control measure where the duty holder has not adequately reviewed the control measure as required under the WHS Regulations

Under the OHS Act in Victoria, Division 5, Powers of health and safety representatives, **Section 58** an HSR for a designated work group may do any of the following:

- inspect any part of a workplace at which a member of the DWG works at any time after giving reasonable notice to the employer and immediately in the event of an incident or any situation involving an immediate risk to the health or safety of any person
- take photographs or measurements or make sketches or recordings (including audio and video) at any part of a workplace at which a member of the DWG works
Note: An HSR is not permitted to take photographs or measurements or make sketches or recordings during interviews referred to in section 58(1)(d) or 58(1)(e) of the OHS Act. This includes during an interview between a member of the HSR's DWG and an inspector or the employer.
- accompany an inspector during a workplace inspection where a member of their DWG works
- if a member of the DWG consents, be present at an interview concerning occupational health and safety (OHS) between the member and an inspector or the member and the employer,
Note: an HSR is not permitted to take photographs or measurements or make sketches or recordings during these interviews.
- if the HSR is authorised to represent an independent contractor and that person consents, be present at an interview concerning OHS between the person and an inspector or the person and the employer

Note: an HSR is not permitted to take photographs or measurements or make sketches or recordings during these interviews.

- wherever necessary, seek the assistance of any person
- issue a provisional improvement notice (PIN)
- issue a direction to cease work after consultation has taken place with the employer

6.5 Consulting, cooperating and coordinating activities with other duty holders, influence and control

WHS Act Section 46

If more than one person has a duty in relation to the same matter, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter.

Victoria OHS Act Part 4

Section 35 the OHS Act provides for 'duty of employers to consult' and regulation 21 of the Victorian OHS Regulations provide for 'how to involve HSRs in consultation'. An employer who contravenes these sections is guilty of an offence.

Multiple PCBU/Employers can concurrently have a duty to ensure the health and safety of workers where the work activities overlap or interact. In this situation each PCBU/Employer is required to consult, cooperate and coordinate activities to eliminate or minimise risks to health and safety, so far as is reasonably practicable. Where activities overlap or interact or multiple persons are involved in management or control of the workplace, fixtures, fittings or plant, or the design, manufacture, construction or installation of plant or structures, they all share a duty to consult, cooperate and coordinate with each other.

In live entertainment and events multiple PCBUs/Employers will often be involved in work that overlaps or is carried out in the same space at the same time. For example the venue, contractors, promoters and performers working together on an event will have some shared duties along with individual specific duties. Each PCBU/Employers is responsible for the safety of its workers and the safety of others, including other workers, contractors, visitors etc. Each person must ensure the elimination or minimisation of risks to health and safety. You might not necessarily be taking action yourself if another PCBU/Employers is doing so, but you will need to take steps and verify the actions being taken by others will meet all the obligations.

Influence and Control

Section 16 of the WHS Act provides that PCBUs must discharge the duty *'to the extent to which the person can influence and control the matter'*.

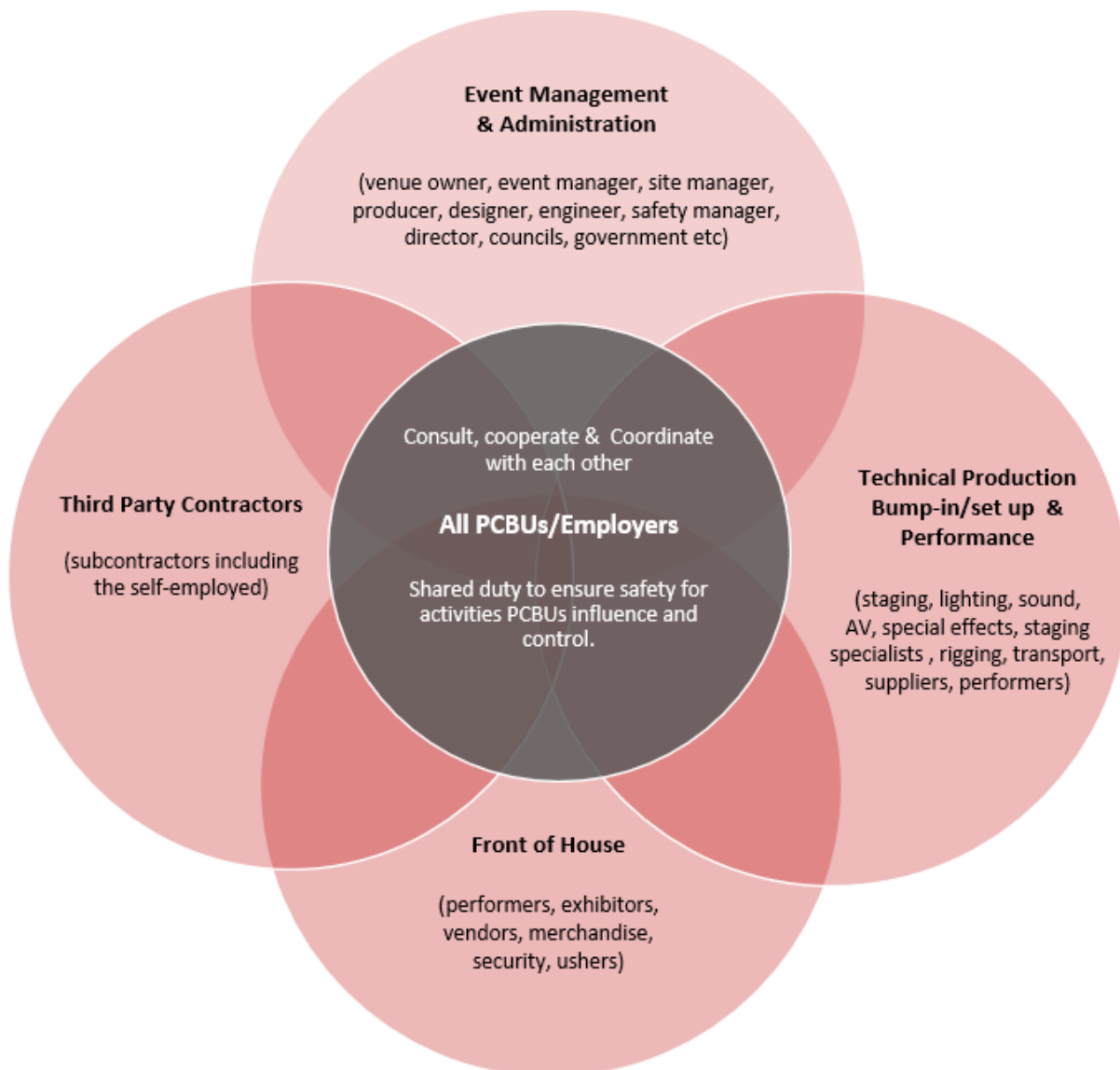
See: [Principles that apply to WHS duties](#)

In Victoria, section 46 of the Victorian OHS Act requires consultation, cooperation and coordination among duty holders when more than one person has a duty in relation to the same matter. This applies to situations where multiple parties share OHS duties, such as labour hire providers and host employers.

In live entertainment and events multiple activities often occur simultaneously, only some of which any PCBU/Employer will be involved in, and therefore able to influence and control.

In all circumstances, each PCBU/Employer should know about activities and their safety responsibilities in relation to:

- Their role in the event
- The other PCBUs working in the same space, what activities are being undertaken, and
- The organisations or individuals whose services they are using and who in turn will use their services.



The extent of influence and control each PCBU/Employer has will also vary according to how many layers of contracting are involved in the event.

For example, the role of an event manager will provide a high degree of influence and control over the planning and set up of technical production services. However, the influence over work practices

begins to reduce if the provider of those services subsequently uses specialist contractors, who may

in turn engage other individuals. Similarly, a PCBU/Employer providing security services will have a high degree of influence with other front-of-house service providers, but less influence with technical crew engaged to operate the event.

Consultation, cooperation and coordination must ensure that across the range of PCBUs everyone associated with the work has a shared understanding of what the risks are, which workers are affected and how the risks will be controlled. The exchange of information is intended to allow the duty holders to work together to plan and manage health and safety.

6.6 Managing consultation, cooperation and coordination with other PCBUs in live entertainment and events

As a PCBU/Employer you should find out and plan:

- What work activities you are responsible for and where you have overlapping responsibilities
- Who else has the influence or control over work activities that overlap or interact
- How each of the parties affect safety in relation to the work activities
- What information you need to share with the other parties
- What information you need to get from the other parties
- What you should do to ensure that you communicate to work together on WHS
- At what stage you need to instigate discussions or provide information to each other to ensure a safe event

Key opportunities for consultation, cooperation and coordination include:

- Contract discussions
- Event planning/approvals phase
- Event operational planning and scheduling
- Induction and orientation
- Production meetings
- Supplier and contractor briefings
- Risk assessments (for activities or the whole event)
- Event safety planning meetings
- Event debrief, review and assessment

The [Safe Work Australia – Work health and safety consultation, cooperation and coordination Code of Practice](#) provides further guidance on how to, when to and who to consult including between multiple PCBUs.

Good practices for working with contractors

The Office of the Federal Safety Commissioner provides information on subcontractor WHS management for the building industry, which provides practical examples of good management practice in WHS for contractors. For example:

<p>OHS/WHS plan</p> <p>Subcontractors are required to provide an appropriate OHS/WHS Plan</p>	<ul style="list-style-type: none"> • Tender documentation stipulates WHS requirements for subcontractors. • A safety information start up pack is available for subcontractors. • A process is in place for subcontractors to submit a WHS plan to demonstrate hazard identification, risk assessment and control procedures.
<p>Site induction</p> <p>Subcontractors are incorporated into the common system for site induction.</p>	<ul style="list-style-type: none"> • All subcontractors are instructed in the site safety rules and site-specific emergency procedures. • A procedure is in place to ensure subcontractors have met minimum induction requirements prior to commencing work. • Pre-start checklists are used to identify whether the subcontractor is licensed to conduct the required work
<p>Communication</p> <p>Subcontractors are regularly provided with OHS/WHS information</p>	<ul style="list-style-type: none"> • Toolbox and pre-start meetings are used to regularly communicate information and to discuss OHS/WHS issues with subcontractors. • Toolbox and pre-start meetings and other relevant consultations, are documented. • A site notice board or safety alert/bulletin is used as a weekly source of OHS/WHS information and is regularly checked by subcontractors.
<p>Hazard identification and risk management</p> <p>Subcontractors are consulted in the development of Safe Work Method Statements (SWMS).</p>	<ul style="list-style-type: none"> • A procedure for SWMS is in place and is communicated to subcontractors through the induction process. • A SWMS appropriate to the work activity is completed and signed by the subcontractor before commencing work. • All SWMS are regularly reviewed and updated in consultation with subcontractors.
<p>OHS/WHS inspection and audit</p> <p>Subcontractors are engaged in WHS inspection and evaluation processes.</p>	<ul style="list-style-type: none"> • A schedule for inspections and audits is in place and lists attendance by subcontractors. • A procedure is in place to regularly inspect the safety of plant, substances, equipment and temporary structures used by subcontractors. • Corrective actions are developed in consultation with subcontractors, and included in the applicable SWMS.

Source: The Office of the Federal Safety Commissioner 2009: An Introduction to Subcontractor OHS Management Fact Sheet

Other references for Contractors

Safe Work Australia:

- [WHS Duties in a contractual chain](#)
- [People with WHS duties in construction](#)

Victoria:

- [Information on engaging a contractor](#)

South Australia:

- [Contractor Management](#)

7. Competency and Training

Ensuring that workers are appropriately skilled is a critical component in providing a safe workplace. It is a legal requirement for all workers, contractors and PCBU/Employers engaged at a worksite to be competent to undertake the work activities for which they are responsible.

7.1 What training is required under the WHS legislative framework?

The WHS Act requires the ‘provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out’.

The WHS Regulations expand on this, requiring that the training is:

- Adequate for the work to be carried out
- Relevant to the risks associated with the work and the control measures implemented

This requirement is in place to ensure people have the competencies necessary to do their work safely. It is the duty of the PCBU/Employer to meet this requirement, so far as is reasonably practicable. PCBUs should consult with workers and HSRs (where they exist) to establish content and arrangements for the delivery of training. Training must be able to be understood by all workers and the learner’s specific requirements must be considered, such as language and literacy needs.

The term **competent person** is used throughout the WHS Regulations. A competent person means a person who has acquired through training, qualification or experience, the knowledge and skills to carry out a given task. WHS regulators specify the training required to achieve competency for certain types of work, however unless specified, the PCBU/Employer must determine what is required for **competence** in their workplace.

There are specialist competency and training requirements around construction work, high risk work, use of hazardous chemicals, operation of plant and machinery and other specialised licensed work. Specific training requirements also apply for Health and Safety Representatives and for WHS Entry Permit Holders.

PCBU/Employers should check with their state and territory WHS regulator to establish the licence and competency requirements relevant to work activities in their workplace.

7.2 What training is recommended as the minimum standard for people working in live entertainment and events?

WHS awareness training *is recommended* for all workers, contractors and PCBU/Employers prior to commencing work on live entertainment and events.

General construction induction training card (White Card) training is required for staff engaged in construction activities during an event or show. In general, regulators assume that the bump-in and bump-out are considered as construction work (according to regulations) so all staff on the crew may be deemed as being on a construction site..

Site induction training must be conducted for all workers, employees, contractors and PCBU/Employers.

All workers must understand the risk factors and apply control measures associated with specific tasks. Task specific training *is recommended* to meet this requirement.

Live entertainment and events happen in very dynamic environments, where people are involved in a range of varied and specialised activities during the planning, bump-in, run and bump-out. Everyone involved at every level must understand how to work safely in the environment and what their safety responsibilities are for themselves and others.

The WHS awareness program should meet the following outcomes:

- Understand the overall principles and framework for workplace health safety
- Identify WHS responsibilities
- Understand the principles of using risk management to provide a safe workplace
- Identify common hazards and risks in live entertainment and events

7.3 Work safety in live entertainment and events – WHS awareness

The following is an example of a general WHS awareness training framework/module.

Module objective: To provide participants with basic knowledge of WHS legislative requirements, principles of risk management and the foundations of workplace safety in live entertainment and events.

Learning outcome 1	Topic Detail
Understand the overall principles and framework for workplace health safety	<ul style="list-style-type: none"> • WHS goals and benefits for individuals and enterprises • WHS legislative framework • Key duty holders – PCBUs/Employers, officers, workers, employees in live entertainment event context • Compliance and enforcement
Learning outcome 2	Topic Detail
Identify WHS responsibilities	<ul style="list-style-type: none"> • PCBU/Employer definition of primary duty of care and examples • Officer definition of due diligence and examples

	<ul style="list-style-type: none"> • Worker/employee definition of ‘to take reasonable care’ and examples including general safety standards and expectations for workers • Communication and consultation requirements and processes • Health and safety representatives and committees • Supervision and training
Learning outcome 3	Topic Detail
Apply the principles of risk management to providing a safe workplace	<ul style="list-style-type: none"> • Safety guidelines for live entertainment and events • High risk work and other licensed work • Construction work and general construction induction training card (White Card) • Incident response, emergencies, injury management
Learning outcome 4	Topic Detail
Identify common hazards and risks in live entertainment and events	<ul style="list-style-type: none"> • Safety guidelines for live entertainment and events • High risk work and other licensed work • Construction work and general construction induction training card (White Card) • Incident response, emergencies, injury management

General construction induction training card (White Card) training is required for staff engaged in ‘construction activities’.

Some work undertaken in live entertainment venues and event sites may fall within the definition of ‘construction work’. Such work is usually undertaken for a defined period and in a designated location. Typical examples which may be deemed construction work include:

- assembly of sets
- erection of temporary stages and rigging work, excluding attaching or suspending items, which is NOT deemed as rigging.
-
- People undertaking this work must hold a general construction induction training card (White Card) as a minimum competency.

For some events, all workers/employees on site are required to hold the general construction induction training card (White Card). Workers and contractors should check with the venue or event site to determine whether a general construction induction card (White Card) is required.

Additional specialised licenses may also be required for work activities such as, dogging/rigging, scaffolding, and operation of plant/machinery.

Site induction training is recommended for all workers, employees, contractors and PCBU/Employers

Site induction builds upon the WHS awareness training, focusing on site-specific safety management plans, hazards and approaches to safe work. Evidence of attendance at site inductions should be recorded, maintained and kept on file in the event of any incident involving the individual. Site induction training would typically include:

- Details of the WHS system or management plan and or the event management plan
- Site specific hazards and risk control measures
- Site orientation including safe access/egress, location of amenities, first aid, security requirements
- Site-specific safety rules or procedures, particularly use of plant, equipment and machinery
- Procedures for communicating changes to the work site, such as deeming a construction area or high risk work area
- On-site consultation and reporting arrangements, and details of relevant authorised personnel, including HSRs where they exist, or alternative safety contacts
- Accident, emergency and evacuation procedures and associated equipment on site

All workers must understand the risk factors and apply control measures associated with specific tasks. Task-specific training is recommended to meet this requirement.

A risk assessment should guide the development of task-specific training. This training should allow workers to understand the hazards associated with an activity and the control measures in place. They must be provided with instruction, training and supervision to enable them to carry out tasks safely. Commonly a Safe Work Method Statement (SWMS) will support task specific training.

Typical areas of task specific training include, but are not restricted to:

- Construction activities
- High risk work activities
- Electrical safety
- Manual handling
- Movement
- Working at height, including the stage grid or on trusses
- Working in restricted access areas
- Special effects and pyrotechnics
- Specific plant and equipment
- Hot works including welding, cutting, grinding
- Chemical handling and storage
- Safe use of hand and power tools
- Personal protective equipment (PPE) requirements and use

A specific license or *permit to work* may also be required for work in some of these areas. Check with the venue/event safety personnel or the WHS/OHS Regulator in the relevant state or territory.

7.4 What training records need to be kept?

Safety regulators expect relevant training records to be kept.

It is recommended that records for all training for workers be retained for a period of 7 years.

Keeping records of training provides evidence that steps have been taken to ensure workers are competent to undertake their work. It also provides data, which can be used to plan future skills development, including forecasting both budget and time requirements. Evidence of training undertaken may also be sought by the WHS regulator.

WHS/OHS Regulations do not specify how long general training records must be kept. However, there are a number of specific exceptions for example, training records relevant to a notifiable incident, or for working in confined spaces. In these examples, regulations require training records to be kept for a minimum of 2 years.

Recommended good industry practice is to retain a complete record of training for all workers for 7 years.

Training records should be retained for all training activities including:

- WHS awareness training
- Refresher training
- Training undertaken during toolbox meetings
- Skills sessions conducted under structured supervision
- Site induction training
- Task specific training
- Summary of evaluations for training
- Licences, permits and statements of attainment

The PCBU/Employer should maintain a training register that provides information for all training participants including:

- Program or module title, key learning outcomes and award/licence/competency
- Participant name and a signature as evidence of attendance
- Training provider or trainer
- Date of commencement and completion
- Evidence of competency and licence awarded

Workers and contractors should retain their own evidence of completion of induction and specific skills training, together with records of licenses and competencies.

7.5 National training packages

A range of nationally recognised qualifications for the live entertainment and events industry has been established in an entertainment training package (CUA Creative Arts and Culture Training Package 2016). These qualifications provide training options from entry level certificates through to advanced diplomas delivering both general industry skills and specialised technical and management managerial competencies.

A complete list of training packages and units of competency can be found on the web site:

<http://training.gov.au/Training/Details/CUA>

Both new entrants and existing workers are encouraged to consider these programs in their career planning.

Version Control	
Title: Part 1. WHS Commitment and Responsibilities	Version: V 2.0
Owner: Live Performance Australia	Date amended:
Date of release: September 2024	Date of review: September 2026

Version 2 note: Version 1 of the LPA Safety Guidelines were written when the Model WHS was believed to be rolled out in all Australian states and territories. This did not occur, and Victoria maintains its OHS Act and Regulations. The key differences include the use of the terms ‘Employers’ (as opposed to PCBU) and ‘employees’ (as opposed to workers). This version of the Guidelines has been modified to include this difference.