



# National Guideline on AFP health and safety management arrangements

## 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on the disclosure of information](#).

### Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>AFP</b>	Australian Federal Police
<b>HSR</b>	Health and safety representative
<b>HSMA</b>	Health and Safety Management Arrangements
<b>WHS</b>	Work health and safety
<b>PIN</b>	Provisional improvement notice

## 3. Definitions

**AFP employee** - is defined in s. 4 of the [Australian Federal Police Act 1979](#) (Cth).

**Appointee** – is defined in s. 4 of the [Australian Federal Police Act 1979](#) (Cth).

**Comcare** – is defined in s. 4 of the [Work Health and Safety Act 2011](#) (Cth), as having the same meaning as defined in s. 4 of the [Safety, Rehabilitation and Compensation Act 1988](#) (Cth).

**Commissioner** and **Deputy Commissioner** – are defined in s. 4 of the [Australian Federal](#)

[Police Act 1979](#) (Cth).

**Consultation** – means the sharing of relevant information with workers and their health and safety representatives, and giving workers a reasonable opportunity to express their views and contribute to the decision-making process on the management of their work health and safety. Sufficient action must be taken to secure responses, take the workers' views into account and to advise the workers of relevant outcomes in a timely manner. See: Part 5 of the [Work Health and Safety Act 2011](#) (Cth).

**Employee** – is defined under s. 5 of the [Safety, Rehabilitation and Compensation Act 1988](#) (Cth).

**Hazard** – means anything that has the potential to harm a person. Hazards at work may include: noisy machinery, a moving forklift, chemicals, electricity, working at heights, a repetitive job, bullying and violence at the workplace). See: How to Manage Work Health and Safety Risks, Volume 1, [Work Health and Safety Codes of Practice 2011\(Cth\)](#).

**Health and safety representative** – is defined in s. 4 of the [Work Health and Safety Act 2011](#) (Cth). A health and safety representative is a worker elected or selected by the members of a work group to represent their interests and ensure their views are considered when decisions are made about the management of work health and safety.

**Officer** – is defined in s. 4 of the [Work Health and Safety Act 2011](#) (Cth). It includes an officer of the Commonwealth per s. 247 of that Act. The position titles and level of authority of who is considered an officer will in general be the Commissioner, a Deputy Commissioner, or other senior executive who can make far reaching decisions that affect the whole of the organisation, or a significant part of it, including significantly impacting on its policies, planning and financial status. It does not apply to people at a middle management level, or to people who have supervisory duties.

**Person conducting a business or undertaking** –is defined in s. 5 of the [Work Health and Safety Act 2011](#) (Cth). It replaces the term 'employer'.

**Risk** – is the possibility that harm (death, injury or illness) might occur when exposed to a hazard. See: How to Manage Work Health and Safety Risks, Volume 1, [Work Health and Safety Codes of Practice 2011\(Cth\)](#).

**Worker** – is defined in s.7 of the [Work Health and Safety Act 2011](#) (Cth). The definition is broad and includes any person who carries out work, in any capacity, for the AFP; e.g. the Commissioner, an appointee, independent contractors, subcontractors, volunteers, trainees, etc.

**Work group** – is defined in s. 4 of the [Work Health and Safety Act 2011](#) (Cth). A work group facilitates the representation of workers in the work group by one or more health and safety representatives.

**Workplace** – is defined in s. 8 of the [Work Health and Safety Act 2011](#) (Cth). A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes or is likely to be while at work.

## 4. Guideline authority

This guideline was issued by the National Manager Human Resources using power under s.

37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

The AFP Health and Safety Management Arrangements (HSMA) apply to all AFP workers. The HSMA facilitate the continuous improvement of health and safety management systems and reduce the risk and incidence of workplace injury and illness. The HSMA:

- sets out work health and safety responsibilities
- establishes the health and safety consultation framework
- provides the process for dispute settlement
- documents the agreed arrangements to ensure the health, safety and welfare of workers.

Further information on the subject matter detailed in the HSMA is provided via links in s. 19 of this guideline, which should be read in conjunction with this guideline.

## 6. Policy on health and safety

The AFP has a moral and legal obligation to provide a safe and healthy work environment and systems of work for all workers and other persons at the workplace. The AFP:

- acknowledges that a strategic focus on prevention is the most effective way to reduce the human and financial costs of work related injury and illness
- is committed to achieving high standards of health and safety throughout AFP operations, and seeks the same commitment from each AFP worker
- encourages worker involvement and participation on matters likely to affect health, safety and welfare
- acknowledges and supports the role of the health and safety representative to represent the health and safety interests of workers within their work group.

## 7. Informing workers

The Work Health and Safety Team should provide information on the AFP Health and Safety Management Arrangements:

- that is readily accessible and easily understood
- within a reasonable timeframe
- that encourages consultation.

## 8. HSMA Consultation

The establishment, review and update of this guideline must occur in consultation with workers and their health and safety representatives.

Health and safety committees should be used to facilitate this consultation.

See also: s. 49 (when consultation is required) of the [Work Health and Safety Act 2011](#) (Cth).

## 9. Roles and responsibilities

All persons at an AFP workplace have duties and responsibilities under the work health and safety legislation.

Responsibilities are defined in the links below:

- [Person Conducting a Business or Undertaking \(AFPHUB\)](#)
- [AFP responsibilities \(AFPHUB\)](#)
- [Officer responsibilities \(AFPHUB\)](#)
- [Manager, Coordinator and Team Leader responsibilities \(AFPHUB\)](#)
- [Worker responsibilities \(AFPHUB\)](#)
- [Other persons at the workplace \(AFPHUB\)](#).

## 10. Information, education and training

The AFP must provide information, training, instruction and supervision necessary to minimise work related health and safety risks. See s. 19(3) (f) of the [Work Health and Safety Act 2011](#) (Cth).

Business area coordinators and/or team leaders, in consultation with the area work health and safety (WHS) advisor, should:

- provide information relating to the introduction or review of WHS national guidelines, practical guides and other documentation
- provide WHS advice and information in relation to:
  - standard operating procedures
  - standard tactical plans
  - induction training
  - training in safe systems of work
  - selection, use and maintenance of safety equipment.

AFP employees must complete the online WHS training through *iAspire!* within 4 weeks of commencement, and recertify every 2 years.

## 11. Risk Management

The Work Health and Safety Act and Regulations require the AFP to eliminate health and safety risks arising from its work activities so far as is reasonably practicable, and if not possible, to minimise those risks so far as is reasonably practicable. For additional information refer to the [AFP National Guideline on risk management](#).

Managing work health and safety risks is an ongoing process that should be performed when any changes affect work activities. Health and safety risk assessments should be undertaken by business area coordinators or team leaders in consultation with the area WHS advisor and relevant Health and Safety Representatives. Examples of risk assessments include but are not limited to:

- changing work practices, procedures or the work environment
- purchasing new or used equipment or using new substances

- planning to improve productivity or reduce costs
- new information about workplace risks becomes available
- responding to workplace incidents (even if they have not caused an injury)
- responding to concerns raised by workers, health and safety representatives or others at the workplace
- required by the WHS regulations for specific hazards.

For additional information refer to the [AFP National Guideline on risk management](#).

For further reference:

- s. 17 and 18 of the [Work Health and Safety Act 2011](#) (Cth)
- the [Work Health and Safety Regulations 2011](#) (Cth)
- the [Work Health and Safety Codes of Practice 2011](#) (Cth)
- the [AFP National Guideline on managing occupational health and safety risks](#)
- the [AFP National Guideline on risk management](#)
- other relevant WHS guidance material or recommended practices.

## 12. Independent advice and assistance

If required, AFP management or health and safety representatives (HSRs) may request any person or independent contractor to assist them in their role. However, management is not obliged to pay for these services unless prior endorsement through FMA Regulation 9 approval has been received.

Where the AFP has agreed to engage an independent contractor, a written brief of the work must be provided to the contractor before they start.

Independent contractors are required to submit a written report, detailing their findings as well as any recommended action and associated costs. Independent contractor reports should be:

- circulated to all relevant managers and HSRs
- tabled at the next meeting of the relevant work health and safety consultative forum or committee.

The [AFP National Guideline on procurement and contracting](#) must be followed to engage an independent contractor.

## 13. Workplace incident notification and reporting

The AFP is required to keep a record of all work related incidents and hazards. These should be reported by completing an AFP online Workplace Incident or Hazard Report form (via [Insight!](#) > Forms).

Where the person affected is unable to complete the workplace incident or hazard report, another person (e.g. a supervisor or colleague) should complete the form on their behalf.

If an appointee does not have access to *Insight!* reporting they must either:

- complete a paper based [OHS-Workplace Incident Report Form](#) (AFP Forms) - this information must be transferred to the *Insight!* form by another person, or

have the information entered by another person who has access to *Insight!*.

## Comcare Notifications

The [Work Health and Safety Act 2011](#) (Cth) requires the notification to Comcare of the following incidents that result in:

- the death of a person
- a serious injury or illness of a person
- a dangerous incident.

The AFP online Workplace Incident Report will automatically notify Comcare where one of these categories is selected.

The person with control of the workplace where the incident occurred should ensure that the incident site is not disturbed until directed by Comcare.

The *Insight!* reporting system will appoint an investigator for all incidents notified to Comcare to establish circumstances surrounding the incident and provide recommendations for safety measures.

An [incident notification guide](#) can be accessed for further information.

## 14. Rehabilitation

Employees who sustain a workplace injury or illness may be entitled to workers' compensation benefits and entitlements under the [Safety Rehabilitation and Compensation Act 1988](#).

When the compensation claim is accepted, the AFP must provide rehabilitation services based on the injured person's capability to undertake a return to work program. See [AFP National Guideline on occupational rehabilitation and return to work](#).

To avoid delays, rehabilitation for a return to work program may commence where an ill or injured employee is likely to be off work, for more than 3 working days. See: s.18.1 (b) of the [Guidelines for Rehabilitation Authorities 2012](#) (Cth).

A return to work program may be provided to employees who sustain a non-work related injury or illness where this is recommended by the AFP rehabilitation case manager and approved by the relevant manager.

## 15. Consultative arrangements

The AFP has established a consultative structure comprising of:

- health and safety committees
- worker representatives
- work groups
- health and safety representatives
- work health and safety advisors.

Managers, coordinators and team leaders must consult with workers and their elected HSR, as per Division 2, s. 47 of the [Work Health and Safety Act 2011](#) (Cth), when proposing changes

that may affect the health or safety of workers.

See: Attachment 1 – [AFP Work Health and Safety Consultative Structure](#).

## 16. Work groups

Work groups are represented by one or more health and safety representatives and must be established according to Chapter 2, Part 2.1 of the [Work Health and Safety Regulations 2011](#) (Cth).

Applications to establish, review or update a work group must be considered by the National Health and Safety Committee.

See: Agreed [AFP work groups](#) (AFPHUB).

## 17. Health and safety representatives

Health and safety representatives (HSRs) must ensure that workers are represented in decisions that may affect their health and safety.

The AFP acknowledges the role of a HSR as a significant contribution and an integral component of maintaining healthy and safe workplaces.

HSRs must:

- represent members of their work group in a professional and timely manner.
- only use their powers in relation to work health and safety matters
- not use their powers to cause intentional harm to the AFP

The rights and powers of [HSRs](#) are prescribed in s. 68 of the [Work Health and Safety Act 2011](#) (Cth).

### Election process

HSRs must be elected according to s. 61 of the [Work Health and Safety Act 2011](#) (Cth) and Chapter 2, Part 2.1, Division 2 of the [Work Health and Safety Regulations 2011](#) (Cth).

The area work health and safety advisor must conduct the election.

See: Attachment 2 – [AFP HSR election process](#).

### Term of office

The term of office of the HSR is 3 years with eligibility for further terms unless disqualified under s. 65 of the [Work Health and Safety Act 2011](#) (Cth).

### Training

The work group must provide funds and time off work for their HSR to attend an initial Comcare accredited HSR training course within 3 months of the appointment. The workgroup must also provide funds and time off work for a refresher course if the term is extended. Where a HSR's work group extends over multiple business areas, the managers of each of these areas should share the associated training costs.

## 18. Dispute avoidance and settlement procedure

Health and safety issues should be resolved between the relevant supervisor and workers in the workplace in which the issue has been raised.

When a health and safety issue is raised, the supervisor must contact the relevant worker and/or health and safety representative (HSR) and attempt to resolve the issue.

Where a HSR or worker wishes to dispute an issue, they should commence the resolution procedure by notifying each party:

- that there is an issue to be resolved
- of the nature and scope of the issue.

Parties involved must ensure a written record is made of matters discussed, decisions made, and the reason/s for such decision/action. If requested, a copy of the record must be available to all parties, e.g.:

- the relevant HSR
- the area work health and safety advisor
- the Coordinator Work Health Safety and Rehabilitation
- the relevant health and safety committee
- Comcare.

See: [Dispute avoidance and settlement procedure](#) (AFPHUB)

HSRs may issue a [provisional improvement notice](#) (PIN) if, following consultation with the appropriate manager or relevant supervisor, they reasonably believe that the [Work Health and Safety Act 2011](#) (Cth) and/or regulations have been contravened and it is likely that it will continue or be repeated.

The PIN should only be issued after the dispute avoidance and settlement process above has failed to resolve the matter.

The PIN should be issued to the most senior manager or supervisor in the area where the contravention is occurring or has occurred, who must then ensure that:

- all affected workers are aware of the PIN
- the PIN is predominantly displayed within the relevant affected workplace.

The PIN must remain in force until:

- the AFP complies with any stipulated action
- it is withdrawn by the HSR
- it is suspended while Comcare conducts an investigation and determines an outcome.

The person to whom the PIN has been issued may request Comcare to review the notice. The operation of the PIN remains in force until the Comcare inspector makes a decision on the review, per s. 90 of the [Work Health and Safety Act 2011](#) (Cth).

## 19. Health and Safety Management Arrangement (HSMA) process



See the AFPHUB for advice on the following:

- [Establishment of the HSMA](#)
- [Review of HSMA](#)
- [Update of HSMA](#)
- [Commencement of the HSMA](#)

## 20. Further advice

Queries about the content of this guideline should be referred to:  
<mailto:Health-Safety%26Rehabilitation@afp.gov.au>

## 21. References

### Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Work Health and Safety Act 2011](#) (Cth)
- [Work Health and Safety Codes of Practice 2011](#) (Cth)
- [Work Health and Safety Regulations 2011](#) (Cth)
- [Safety, Rehabilitation and Compensation Act 1988](#) (Cth).
- [Guidelines for Rehabilitation Authorities 2012](#)(Cth)

### AFP governance instruments

- [AFP National Guideline on managing occupational health and safety risks](#)
- [AFP National Guideline on occupational rehabilitation and return to work](#)
- [AFP National Guideline on procurement and contracting](#)
- [AFP National Guideline on risk management.](#)

### Other sources

- [Incident Notification Guide – Information Fact Sheet](#) (AFPHUB)
- [Provisional improvement notice \(PIN\) form](#) (Comcare).

## 22. Attachments

- Attachment 1 – [Work Health and Safety Consultative Structure](#)
- Attachment 2 – [Health and Safety Representative Election Process.](#)