

# Occupational Health and Safety National Extension

*Ms Tanya Adams*



**Project No. 2002/231**



**Australian Government**

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**Fisheries Research and  
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## **Occupational Health and Safety National Extension**

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## Non Technical Summary

<b>2002/231</b>	<b>Occupational Health and Safety National Extension</b>
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**OBJECTIVES:**

1. To be the node of Seafood Services Australia that delivers Occupational Health and Safety programs nationally
2. To provide each State and the Northern Territory with a comprehensive set of OH&S guidelines tailored to each jurisdictions legislation and industry specific requirements.

**NON TECHNICAL SUMMARY:**

**OUTCOMES ACHIEVED TO DATE**

All states have an OHS Code, which contains three parts. Part 1 addresses the legal requirements of workplace and marine safety legislation. Part 2 addresses generic OHS requirements across all fisheries. Part 3 outlines the basis for a vessel safety management plan. Workshops outlining the OHS Code have been held in some states and fisheries. State AGM's and industry meeting shave been attended to explain the project and the benefits to industry.

Each state has a marine safety public sector agency, which applies and manages the state Marine Acts, Regulations, Standards and Codes of Practice. Each state also has a workplace safety agency that applies and manages the state Marine Acts, Regulations, Standards and Codes of Practice.

A vessel owner or skipper is aware of the majority of their state Marine Safety requirement, as they must have a surveyed vessel (unless they are survey exempt) and they must have the appropriate certificates of competency. The vessel also must have the correct emergency equipment. These are well-established principles and vessels cannot go to sea without these in place.

However, the industry's knowledge, understanding and application of the Workplace safety legislation in each state vary.

The Western Australian Fishing Industry Council has had in place a comprehensive health and safety code for use in the wild catch fishing industry since 1992. The OHS Code was developed because of an increasing serious incident and fatality rate within the industry and pressure from both government agencies with jurisdiction over the fishing industry (Worksafe WA and Marine Safety WA) to address the incidence rate

The project involved adapting the WAFIC OHS Code to develop OHS documentation including the legislative requirements under each state for workplace and marine safety, generic OHS guidelines and then fishery specific guidelines. The project also involved introducing the OHS code in each state through workshops conducted through the guidance and organisation by the peak body.

The commitment required from each state to have the services available to develop and implement the resources free from direct costs, was to provide a person who would liaise with the PI to assist in delivering the requirements of objective 2

This commitment was outlined in a written letter agreement between each state peak body and the PI and which formed part of the milestone reporting requirements to the FRDC requirements to be met before the work in each state could begin.

Objective 1 – ‘To be the node of Seafood Services Australia that delivers occupational health and Safety programmes nationally’ never eventuated. It was originally planned that the ‘node’ concept would provide industry OH&S advice and support through the SSA. This would enable the materials and systems developed through this project would be supported to be integral to the SSA services and also have a significant impact on the way industry, approached managing OH&S.

The decision to not continue with the ‘node’ of the SSA concept was as the result of a series of discussions at the time between the SSA and the FRDC focussing on the future direction of the SSA. It was decided by the SSA Board and FRDC that this node concept’ would not proceed. The PI was not privy to these discussions and there for can not make any comment on why this decision was made.

It is however significant to note that this decision did influence the effectiveness of the outcomes of the project, as there was no industry body to assist the PI in the implementation of the work and co-ordination of an industry service. As a result of this, the work that has been completed will in some states will not be utilised to any degree until the need arises either from a stronger industry body or pressure for Regulatory bodies.

The second objective of developing OHS guidelines and conducting workshops in each state was successful in some states and partially successful in other states. In the Southern Rock Lobster Fishery Clean Green program which exists across SA, TAS and Vic the OHS Code was used extensively as part of the program.

The resources in this project were also extensively used in South Australia across all industry sectors and in some specific fisheries in other states. The level of uptake of the project resources by these fisheries were due a number of different factors. These factors included the timing of the project with regard to what other industry driven programs were in place at the time, what level of resources existed within each states peak body to act as the liaison person as outlined in the original application and the interstate and value the peak body and / or individual industry members placed on OH&S.

Despite the inconsistency of the application of the project work across the level of awareness of OHS has increased significantly across industry groups where the PI has been able to conduct workshops.

Some states were not able to hold the workshops due to time constraints and lack of resources to assist. Further work is needed in this area.

Further work is needed to monitor and update the documentation, as if this is not done, the investment will be wasted as the documentation becomes out of date.

Resources need to be allocated to assisting the states to implement the OHS program. It was not always possible for the states to implement the program to coincide with this project and the milestones. It should be an ion going resource for industry

**KEYWORDS:** Safety, health, accidents, legislation, Act, Regulations

## **Acknowledgments**

This projects work was enhanced by the integration of this project into the Southern Rock Lobster Clean Green program through Southern Rock Lobster Limited. Appreciation goes to the current and past Board of Southern Rock Lobster Limited, Roger Edwards, Rodney Treloggen, Matthew Muggelton and Justin Phillips.

## **Background**

### **OH&S and Marine Safety legislation**

Each state has a marine safety public sector agency, which applies and manages the state Marine Acts, Regulations, Standards and Codes of Practice. Each state also has a workplace safety agency that applies and manages the state Marine Acts, Regulations, Standards and Codes of Practice.

A vessel owner or skipper would be aware of their state Marine Safety requirement, as they must have a surveyed vessel (unless they are survey exempt and they must have the appropriate certificates of competency. The vessel also must have the correct emergency equipment. These are well-established principles and vessels cannot go to sea without these in place.

The other key requirements of each state's Marine Safety Legislation such as emergency drills and on board training may not have been implemented to the full extent of what is required for each vessel. It was therefore assumed that most operators of vessels may not be complying with the Marine Safety vessel emergency drills and training requirements

In addition, the industry's knowledge, understanding and application of the Workplace safety legislation in each state were minimal. It was therefore assumed that most operators of vessels would not be aware of or complying with the OHS legal requirements

### **Western Australian Fishing Industry Council OHS Code**

The Western Australian Fishing Industry Council has had in place a comprehensive health and safety code for use in the wild catch fishing industry since 1992. The OHS Code was developed because of an increasing fatality and serious incident rate within the industry and pressure from both government agencies with jurisdiction over the fishing industry (Worksafe WA and Marine Safety WA) to address the incidence rate.

The WAFIC OHS Code development began in 1992 and was one part of a process to introduce OHS to industry and the second part was to embark on an extensive education and awareness program.

The consultative process for the development of the WAFIC OHS Code involved fishery specific consultative groups of practicing fishermen established to assist Tanya Adams to develop the various sections of the WAFIC OHS Code. Broadly the discussion with fishermen in these fishery specific groups centered on reflecting the requirements of the legislation, the basic safety and health principles of both sets of legislation and the fishery specific guidelines.

These fishery specific consultative groups also assisted wherever possible to encourage the local Professional Fishermen's Association (PFA's) to include OHS in meeting and workshop agendas. By engaging the local fishermen to interact with their members, some of the fear and resentment to the proposed changes reduced. Also by engaging industry at fishery meetings, the correct information was presented to industry rather than the relying on in- accurate information being passed from fisher to fisher.

The WAFIC OHS Code is structured in three parts.

Part 1 included the legislative requirements applicable to the fishing industry as per the Occupational Safety and Health Act 1984 and the WA Marine Act 1982.

Part 2 included the specific safety and health requirements for a fishing vessel as per the WA Marine Act Regulations, the Occupational Safety and Health Regulations and also the key priority areas for the fishing industry as identified by Worksafe, Coroners reports and accident data held by Worksafe and DPI (Marine Safety)

Part 2 also contained the existing legislative requirements as per the WA Marine Act 1982 and Regulations that were in force. These included vessel surveys, certificate of competency, manning levels, emergency equipment and procedures etc. The WAFIC Code outlined the requirements under the legislation and these requirements were simply recounted in the OHS Code.

Part 3 included the specific requirements for a fishing vessel as per the fishery involved. This section outlined the best practice standards WAFIC had developed with industry relating to specific hazards on board a vessel in a fishery. For example in Western Rock Lobster, one of the main hazards is the various manual handling tasks associated with pot handling. The OHS Regulations state manual handling hazards must be identified, the risk assessed and suitable control methods introduced to reduce the risk. The manual handling guidelines of the pot / trap fishery addressed the manual handling tasks with safe work procedures.

### **National Occupational Health and Safety**

No other state had similar documentation for OHS as WAFIC had developed. Some states had developed small programs targeting specific areas but were not as comprehensive as had been produced in WA.

FRDC funds were obtained to develop OHS documentation for each state of Australia by using the WAFIC OHS Code as a base document.

The project provided funds for the PI to develop OHS documentation including the legislative requirements under each state for workplace and marine safety, generic OHS guidelines and then fishery specific guidelines.

In the development of the States and Territory OHS guidelines, the extent of the consultation process with industry as was conducted by WAFIC (discussed above) would not be able to be replicated in each state. This was due to resources issues and timing of this project. It may be that some states were able to assist with the in-

kind assistance only as if a state or fishery was facing significant higher priority issues, they may not be able to contribute as effectively to this project.

The best possible and practical option was to have as part of the project agreement, each state peak body to provide in kind support and liaison for the PI to conduct the project and to ensure that the consultation process was carried out as far as was practical.

It was envisaged that the PI would attend each states Board/Council meetings and AGM's to introduce the program however the day today consultation would be via the state peak body.

At the time of the application, the strategy was to integrate the OHS function into SSA and become "node" of the SSA. The "node" would provide the industry with ongoing OHS resources. One of the objectives of the SSA (at the time of the project application) was to intervene where there is "market failure". It was clear before this project started that the states do not have the resources to deal with OHS issues on an ongoing basis and if the documentation and the OHS program in each state did not continue after this project was completed, the development work would stop and there would be market failure.

## **Need**

It is acknowledged that the Marine Safety in each state have a legal role for each vessel in the area of certificates of competency, vessel survey, emergency equipment etc. The state code developed for each state would reference these sections of the respective legislation.

Identified through the PI's years of work with WAFIC and liaison with other states through anecdotal evidence was the issue of concern regarding the application of the marine safety legislation in each state onboard an individual vessel. For example, each state's marine safety legislation refers to the USL Code and / or the National Standard for Commercial vessels. Both these require a proper lookout to be maintained at all times. From accident / incident reports around Australia, this was a major contributing factor to a number of fishing vessel incidents.

Also as part of the USL Code and / or the National Standard for Commercial vessels, practicing of the vessel emergency drills were to occur at specific intervals. There was anecdotal evidence from vessels around Australia this was not being done.

The development of the OHS Code for each state was an opportunity to remind industry of their obligations under the existing legislation as well as develop resources for implementing the OHS legal requirements

In addition, fishing industry fatalities and serious accidents were becoming a higher priority for some states and the industry had no processes in place that had been tailored to the industry to supply to members. The outcome of this was that some state Regulatory Authorities were targeting the fishing industry to audit them against the Act and Regulations and issue work notices with little or no consultation.

There had been some specific project work conducted in some states but not to the level required for providing information to industry.

In addition, in order to demonstrate to the Regulatory authorities in each state, that the fishing industry was able to self regulate through an industry driven OHS program, this program was seen as the starting point.

Each states Code would be structured on the WAFIC structure. This had proven be well accepted and also addressed the process of tailoring the legislative information to suit the fishing industry.

## **Objectives**

1. To be the node of Seafood Services Australia that delivers occupational Health and Safety programs nationally
2. To provide each State and the Northern territory with a comprehensive set of OH&S guidelines tailored to each jurisdictions legislation and industry specific requirements.

Objective 1 – ‘To be the node of Seafood Services Australia that delivers occupational health and Safety programmes nationally’ never eventuated. It was originally planned that the ‘node’ concept would provide industry OH&S advice and support through the SSA. This would enable the materials and systems developed through this project would be supported to be integral to the SSA services and also have a significant impact on the way industry, approached managing OH&S.

The decision to not continue with the ‘node ‘of the SSA concept was as the result of a series of discussions at the time between the SSA and the FRDC focussing on the future direction of the SSA. It was decided by the SSA Board and FRDC that this node concept’ would not proceed. The PI was not privy to these discussions and there for can not make any comment on why this decision was made.

It is however significant to note that this decision did influence the effectiveness of the outcomes of the project, as there was no industry body to assist the PI in the implementation of the work and co-ordination of an industry service. As a result of this, the work that has been completed will in some states will not be utilised to any degree until the need arises either from a stronger industry body or pressure for Regulatory bodies.

Objective 2: To provide each State and the Northern territory with a comprehensive set of OH&S guidelines tailored to each jurisdictions legislation and industry specific requirements.

This objective forms the basis of this report.

There were also objectives outlined in the methods section of the original application. These objectives were:

- To ensure the commercial fishing industry in each state addresses the essential legislative requirements of OHS
- To ensure the commercial fishing industry in each state is provided with the framework to deliver training that meets the skills and knowledge required by industry for a safe working environment

- To assist all states to develop the framework for the delivery of occupational health and safety programs for industry members

While these objectives were listed under methods, they do encompass the desired outputs from this project and will be discussed under the results and discussions heading from this project

## **Methods**

### **Overview of the process**

The initial methodology planned at the time of writing the application was

At a series of workshops;

- Develop for each state, an occupational health and safety code equivalent to that of the WAFIC OH&S Code with general component and individual sector components
- Provide research support on specific occupational health and safety issues
- Provide resources and advice for each state to deliver occupational health and safety training sessions to industry members
- Provide an occupational health and safety advisory service across all states

The actual methodology involved

- Identify which two states would be addressed for each annual period. The decision on which two states were addressed in what period took into account where any state was embarking on any other initiatives and could see benefit in integration of the OHS programs into the industry programs one.eg SA southern rock lobster. The decision on the state was also dictated by the interest shown by the states to work with the PI.
- Establish who would be the peak body liaison representative to work with and assist the PI
- Where required attend a Council / Board meeting and/or an AGM to address the members
- Seek written confirmation from the state board/ council that they wish to participate
- Begin developing the states OHS material's .The first stage was to assessing each states workplace OHS and marine safety legislation. The second stage was to develop the generic health and safety guidelines for any fishery sector. The third stage was to develop the fishery specific guidelines. All state OHS Codes were structured in the same way.
- During the course of the project and before, during and after documentation was completed, attend workshops as and when invited by the state peak body or sector body.

- During the course of the project attend SSA Network meetings to discuss the projects, update members and liaise with key industry personnel. As the PI was involved with two other FRDC funded projects during the course of this project, the PI often presented an update to all three projects at the one network meeting. Examples of the presentations to SSA are shown in Attachments 1 - 3. Individual fishery presentations are referenced in the state by state section of this report.
- Issue drafts of the documentation to the peak body representative to distribute to industry. This may have been done through the sector bodies to them as a group or to individuals nominated by their sector to work on the project.
- Address and incorporate feedback from industry to OHS documentation and issue back to the peak body for their distribution and use

### **Content of the state OHS documentation**

As discussed above there are several parts to the documentation provided to each state.

#### **Part 1: Overview of the legislative requirements and risk management**

Part 1 contained an overview of each state's OH&S and Marine Safety Legislation focussing on the OH&S Act and Marine Safety Act. Part 1 of the documentation produced guidelines on:

- Introduction
- Background
- Definitions from the OH&S and Marine Safety legislation
- Quotation of the relevant sections of the relevant state Occupational Health, Safety and Marine Safety act and Regulations
- OH&S Responsibilities of vessel owners, masters and crew under different engagement arrangements i.e. share fishing and employer – employee
- OH&S Training requirements
- Risk management techniques
- Hazard and risk table ( in later versions)
- Explanation of the requirements for information, instruction, training and supervision

In all states, the OH&S Act duty of care requirements were examined. The duties of employers and employees were similar across all states. There were some significant differences with how the relationship between Principals contractors was regulated and the requirements of self-employed persons varied between each states legislation. These differences needed to be accommodated in the documentation developed for each state.

In all states, the OH&S Regulations requirements were also examined. The OH&S Regulations dealt with issues such as chemicals, manual handling, noise, electricity etc. Some states OH&S Regulations included such things as alcohol and drugs, smoking, extremes of hot and cold etc., and others did not. In any case, across all states, there is a general regulation, which requires all hazards to be indentified, and control measures to be put in place to reduce risk. The process undertaken to assist

industry to manage hazards was the vessel safe work procedures (OH&S Code Part 3)

In all states, the Marine Safety Act and Regulations requirements were also examined. In all cases, there were several Marine Safety Regulations under one Act in each state. There were some common areas covering such things, as emergency equipment, manning levels, crew competencies, across each state. In most cases, each state Marine Safety Legislation refers to the USL Code (Uniform Shipping Laws Code) and / or the NSCV (National Standard for Commercial Vessels) however, it was there were significant differences with each states application of the Regulations involving by laws and schedules across the marine industry.

In addition, each state had its own application of sections of the USL Code applying to the distances from land, the main land, sheltered waters, and crew requirements therefore leading to emergency requirements.

## **Part 2: OH&S generic guidelines**

Part 2 contained an overview of each state OH&S and Marine Safety Legislation focussing on the OH&S Regulations and Marine Safety Regulations. Part 2 of the documentation produced guidelines on:

- Commercial vessel survey requirements
- Master and crew competencies & manning levels
- Fire prevention
- Marine safety emergency equipment requirements e.g. life rafts, fire extinguishers, flares,
- Emergency procedures and drills
- Prevention of collisions
- Distress calls
- Safety management
- Watch keeping
- Noise
- Chemicals
- Eye damage / skin cancer prevention
- Electrical safety
- Plant and equipment
- Manual handling
- First aid /medical
- Dangerous species
- Personal protective clothing and equipment
- Clothing and footwear
- Infectious diseases
- Alcohol and other drugs
- Fatigue
- Cyclones

## **Part 3: Specific OHS guidelines for a fishing method**

Part 3 contained the application of both Parts 1 and 2 to a fishing vessel. Part 3 of contained safe work procedures and basic marine safety requirements that are

relevant to day to day operations on a vessel. The contents of Part 3 are shown in the table below.

<b>ITEM</b>	<b>ITEM</b>
Vessel OH&S Policy	Personal protective clothing and equipment
Hazard management	Infectious diseases
Crew Induction	Personal hygiene
Visitor induction	Plant
Emergency procedures	Tobacco smoke
NSCV Part E	Alcohol and drugs
Mayday	Confined Spaces
Pan Pan	Working on booms
Securite	Working in the rigging
Man overboard	Crew facilities
Actions which should be taken by man overboard	Manual handling
Person missing presumed overboard	Pot / trap retrieval / handling/lifting
Abandon vessel	Pot/ trap setting
Launching life raft	Snagged pot / trap
Fire fighting	Handling sharks
Collision or grounding	Working with power blocks
Unconscious man overboard	Working with lines
Medical Emergency	Fatigue
Watchkeeping	Safety and health issue resolution
Emergency procedures	Vessel daily checklist
Emergency equipment and rills	
Deck safety	
Access and egress	
Weather	
Noise	
Chemicals	
Skin cancer / eye damage prevention	
Electrical Safety	

First Aid / medical	
Dangerous species	

## **Stage 1: South Australia and Tasmania**

### **South Australia**

In South Australia there were three industry groups to consult with dependant on which fishery was involved

The South Australian Rock Lobster Advisory Committee (SARLAC), the Seafood Council and the South Australian Fishing Industry Council (SAFIC) All provided letters of commitment to the program. These letters are shown in Attachment 1.

The PI met with the key industry people on numerous occasions throughout the project. These key industry people were Mr. Neil Macdonald (SAFIC), Mr. Roger Edwards (SARLAC and Southern Rock Lobster (SRL) and Mr. Martin Smallridge (Seafood Council)

An initial meeting was held in Melbourne in June 2003 with members of the Southern Rock Lobster Industry to explain the OH&S National Extension Strategy's Projects objectives, plans, and requirements. At that meeting representatives of the Southern Rock Lobster Tri State (SA, TAS, and VIC) "Clean Green" attended and a strategy developed to incorporate the work being done with this project into the "Clean Green" project

The Clean Green program is an integrated program addressing all areas of risk to the fishery and fishermen. These include animal welfare, sustainability, food safety, workplace safety and

The Clean Green program involved the Tasmania Rock Lobster Fishermen's Association. This tri state program allowed the Southern rock Lobster industry Tasmania to become part of this project. The letters of commitment from TRLFA is shown in Attachment 1.

Meetings were also held with SAFIC and the Seafood Council to brief industry members of the program and the way forward was discussed and auctioned.

Following on from that meeting, the review of the South Australian and Tasmanian Workplace and Marine Safety Legislation commenced. The summary of the depth of the analysis of the legislation as reported to the FRDC, is shown in Attachment 2, which is an excerpt from the milestone report Number 1. This process of analysis of the legislation was identical for each state

In the period from October 2003 – March 2004 presentation and workshops were held with the Spencer Gulf and West Coast Trawl Association and the Gulf of St Vincent Trawl fishery, through the Seafood Council (SA) to introduce the project and to outline the feedback required from the documentation. An example of the type of workshop presentation is shown in Attachment 3, which was the presentation to the Spencer Gulf and West Coast Trawl AGM held 311003.

In November 2003 a workshop was held in with industry members of the SA Rock Lobster Industry through the Clean Green project members within SARLAC, in Melbourne to update members on the progress of the documentation and seek comments and feedback from industry on the documentation produced so far

In February 2004, a further meeting was held in with industry members of the SA Rock Lobster Industry in Melbourne, through the Clean Green project members within SARLAC, to update members on the progress of the documentation and seek comments and feedback from industry.

Throughout late 2003 – 2004 the SA OSH Code Part 1, 2 and 3 were incorporated into the Southern Rock Lobster Industry Clean Green program From 2004 – 2008 the PI was involved in a series of workshops across the three states for Southern Rock Lobster. The PI's attendance at these workshops was initially funded as part of this project. When it became clear to the Board of Southern Rock Lobster the value of the PI attending and as part of the ongoing program for industry, Farmbis funding was obtained for the workshops.

The SRL OH&S Code is shown in Attachment 4

During the 2004- 2008 period, the SA OHS Code was reviewed. The structure of the Code remained the same as previous, however when used for Southern Rock Lobster process, the structure reflected the Clean Green program.

During 2006 – 2008 SAFIC organised workshops for the Marine Scale Fishery. These workshops followed a similar pattern as to those held in the Spencer Gulf Fishery and Gulf of St Vincent. The workshop discussed the legislative requirements and the OHS Code. Members of the Southern Rock Lobster industry who were not part of the SRL Clean Green program also attended workshops held to introduce the OH&S program.

Members of the Marine Scale Industry were provided with the SA Reference OHS Code and a vessel safety plan. The Code is shown in Attachment 5 and the Vessel Safety Plan in Attachment 6.

Also during 2008 workshops were held with members of the Blue Crab to introduce the OSH Code and Vessel Safety Plans. Members of the Blue Crab Industry were provided with the SA Reference OHS Code and a Vessel Safety Plan. The Code is shown in Attachment 5 and the Vessel Safety Plan in Attachment 7.

Through SAFIC in 2008, the OHS Code was introduced to the Lakes and Coorong, fishery and the Gulf of St Vincent Trawl fishery. No workshops were held with the Lakes and Coorong industry sector. The SA OH&S Code is shown in Attachment 5 and the Vessel Safety Plan for the Gulf of St Vincent is shown in Attachment 8. The Vessel Safety Plan for Lakes and Coorong is shown in Attachment 9

Members of the Southern Rock Lobster Industry tat were not part of the Clean Green program also attended the workshops conducted with Marine Scale fishers. They received the OH&S Code (Attachment 5) and the Rock Lobster Vessel Safety plan shown in Attachment 10.

## **Tasmania**

After a presentation by the PI to the Seafood Services Network meeting on September 19 2003 in Perth, the Tasmanian Fishing Industry Council (TFIC), which represents all fisheries apart from Southern Rock Lobster, joined the project.

The OHS and Marine legislation review was conducted at the same time as the review of the SA legislation.

TFIC sent out newsletters to industry advising them of the project and seeking volunteers to review documentation and discuss the project at Board meetings. In addition, Southern Rock Lobster members within Tasmania were updated regularly on the project through the Clean Green project.

The OHS Code was released as part of the Southern Rock Lobster Clean Green program and the workshop conducted as per the Clean Green program. The OSH Code as part of the SRL Clean Green program (latest version) is shown in Attachment 11

The OSH Code for all other fisheries in Tasmania was released to TFIC (now TSIC- Tasmanian Seafood Industry Council) in 2005 and revised in 2008. The OSH Code is shown in Attachment 12. As the interaction between to the sectors of the Tasmanian Industry was not conducted, a composite Vessel Safety Plan was produced. This would allow industry to utilize the relevant sections as applicable to their vessel. The composite vessel safety pan is shown in Attachment 13.

## **Stage 2: New South Wales and the Northern Territory**

### **New South Wales**

There is currently no peak body for the fishing industry. The Sydney Fish Market (SFM) has taken over the role of 'pseudo' peak body to handle matters concerning the industry and to liaise with industry on matters such as this project.

In order for the project to commence the provided letters of commitment to the program. In addition, the NSW Fishermen's Co-operative was also a partner in the program. These letters of commitment are shown in Attachments 1

For the purpose of this project, the link between the PI and the industry was through the SFM.

The NSW OHS and Marine Safety legislation was reviewed as per the same process as discussed above in stage 1.

The NSW Code was released in 2008 and is under the control of SFM as to the next phase of the process. This is shown in Attachment 14.

As the interaction between the sectors of the NSW Industry was not conducted, a composite Vessel Safety Plan was produced. This would allow industry to utilize the relevant sections as applicable to their vessel. The composite vessel safety plan is shown in Attachment 15

### **Northern Territory**

The PI attended several NTSC Board Meetings gain the commitment for the program and develop the action plan. The letter of commitment is shown in Attachment 1  
The Northern Territory Seafood Council joined the project for 2004 / 2005.

The OHS and Marine Safety legislation were reviewed at the same time as the review of the NSW legislation.

At the commencement of the project, the Barramundi industry was very keen to establish an OSH Code and subsequent to that, the Sample /Draft Barramundi Code were released in late 2004. This is shown in Attachment 16.

The Aquarium Fish Collectors industry sector was very proactive in the development of their diving guidelines. This was through Brian and Barb Koneke as industry licence holders. These were developed over an 18-month period and the final version released in early 2008. The diving guidelines are shown in Attachment 17.

The NT OHS Code and generic diving guidelines were released in early 2008. The NT OH&S Code is shown Attachment 18. The NT Vessel Safety Plan was also released at the same time and is shown in Attachment 19.

### **Stage 3: Victoria and Queensland**

#### **Victoria**

The legislation review was conducted in 2008. At the time of this project, Seafood Industry Victoria (SIV) had a working party with Marine Safety Victoria and Worksafe Victoria addressing the need for a fishing industry set of OH&S guidelines. In addition, SIV and Worksafe Vic had conducted several PDF trials to determine the most suitable PFD for industry.

In mid 2009, the OHS Code was released and is with SIV for review. The work that had been completed through the working party was included in the OH&S Code. As workshops were conducted only with SRL members, the Vessel Safety Plans were developed as a composite document. The Victorian OH&S Code is shown in Attachment 20. The VIC Vessel Safety Plan is shown in Attachment 21.

Workshops were held in Victoria as part of the Southern Rock Lobster Clean Green program throughout 2007-2008. The SRL OH&S Code for Victoria is shown in Attachment 22.

#### **Queensland**

The legislation review was conducted in 2008.

In mid 2009, the OHS Code was released and is with QSIA for review. The PI attended a QSIA Convention in October 2009 where the projects outputs were outlined to the industry members and others at the convention. The QSIA has participated in workshops with Marine Safety Queensland to discuss the implications of the NSCV being introduced by Marine Safety Queensland. The work conducted under this project is seen as a very sound start to working with industry to implement the NSCV requirements, as the NSCV is part of the documentation produced.

It is proposed that the PI will look for other funding opportunities to work with the QSIA to further the development of the industry documentation in line with the NSCV requirements.

Due to the inclusion of the NSCV requirements the Queensland documentation was larger in size than other states. There are two parts of the Queensland Code plus an Appendix with forms. These are shown in Attachments 26-28. The Queensland Vessel Safe Work procedures are shown in Attachment 29.

## **Results and Discussions**

### **To be the node of Seafood Services Australia that delivers Occupational Health and safety programmes nationally.**

In the original application for funding for this project, it was envisaged that this OH&S service would be a 'Node' or section of Seafood Services Australia (SSA) based in Western Australia.

SSA was the most suitable choice for the project to operate under at the time of the project as SSA provides a range of services in a number of areas for the seafood industry.

It was however decided by the FRDC Board at the time to not progress with this objective as this project service being the Node due to the uncertainty at the time of the SSA organization and its future role in the industry.

However one of the requirements of the original 'node' concept was that the PI would attend every SSA Network meeting and provide members with a formal update and therefore enable SSA to be up to date with the project to provide information to any industry member.

At the SSA meetings, the PI provided power point presentations on the project objectives and status. The PI used the opportunity to liaise with state industry representatives and industry members about work completed on the project and work that is required. The efficiency of meeting with several state members in one location was proven very effective in reducing travel and time costs to the project and the PI.

As a result of the 'Node' concept being removed from the project objectives, this objective was never reported on again and was not included in the methodology of the project or the milestone schedule in the original contract agreement.

### **To provide each state and the Northern Territory with a comprehensive set of OH&S guidelines tailored to each jurisdiction's legislation and industry specific requirements.**

#### **Objectives:**

#### **1. To ensure the commercial fishing industry in each state addresses the legislative requirements of occupational health and safety.**

This objective was met in full with each state Occupational Safety and Health legislation (Act and Regulations) and Marine Safety legislation (Act and Regulations) assessed and applied to the industry. While the Acts in each state were similar in

structure, there were significant differences between some. These differences were incorporated into each states documentation.

Developing the generic guidelines as part 2 of the State Code's was also met in full.

The main area where the original objectives were not met was the workshops with industry. There were a variety of reasons for this and these are discussed later in this report.

However, one of the main differences as to why the workshops were not as successful as originally planned was the fact that the process in WA, involved WAFIC driving the process with a dedicated person to achieve the objectives.

The commitment from each state was to have someone who could liaise with the PI to assist the PI by way of industry liaison and to obtain industry feedback on draft documents.

This was not always achieved, as with State peak bodies not having the human or financial resources as WAFIC had at the time, there was not that dedicated person or a person who had this task included on to their job to assist to get this project up and running.

In addition, when WAFIC began the OH&S work in 1992 they were under enormous pressure from Government to address the increasing fatality rate. This has not been the case in any other state, so the pressure was not there to get this project to the same level as WAFIC had in WA.

The need identified for each state to develop best practice guidelines as outlined in the project application has not altered. It has, however, been found that during the project there was a variance of the understanding of the need between each fishery in each state. For example, the Southern Rock Lobster Fishery, the Spencer Gulf Trawl Sector the Northern Territory Aquarium Fish Collectors embraced the need for the project from the outset, and utilized it to the fullest, whereas other fisheries did not.

This is a good example of what was expected when we developed the project application. Unfortunately, this type of commitment has not been as common as it should have been throughout the states.

Some of the barriers to achieving the objectives are:

- State peak body having constant turnover of staff at the CEO level
- No state peak body( i.e. NSW)
- Limited human and financial resources for the peak body , that had to be dedicated to priority issues not necessarily OH&S at that time
- Not considered a priority by the State peak body 's Board or council

Also the process as outlined in the original application was in hindsight a little naïve to suggest that the methods used in WA could be replicated in such a simple way as to get two states per year to sign on, immediately understand and accept the process, set up workshops just for OH&S and develop guidelines in consultation with industry.

While the state bodies had identified OH&S as an area requiring attention, individual fisheries and the fishers did not necessarily see it as a priority area. It required an enormous amount of effort on behalf of the PI to engage all States' in the project, with a lot of the project time and costs spent on securing the individual state peak bodies commitment to this project.

**2. To ensure the commercial fishing industry in each state is provided with the framework to deliver training that meets the skills and knowledge required by industry for a safe working environment.**

The framework for training can be explained at two levels.

The first level is where general workshops and / or meetings were held with industry during the course of this project the presentation was centered on the delivery of information to improve industry knowledge of OH&S and what the duty of care actually means to an industry member.

At these workshops, there was also discussion about what on the job-training owners and skippers were required to do to maintain their duty of care requirements.

There were a number of these types of workshops conducted South Australia, Tasmania, Northern territory,

The second level is where the industry body has organized formal training to deliver OH&S on its own or in conjunction with other risk management subjects. These workshops/ training session were generally delivered by using external funding such as Farmbis training funds in each state and were designed to meet the OH&S competencies of the National Seafood Industry Training.

Two examples of this were the Southern Rock Lobster Clean Green program which is an integrated management program covering key issues for SRL. The second example is the marine Scale OH&S workshops, which also encompassed the development of a safety plan for each vessel

These externally funded workshops can continue after the life of this project as they are delivered on seafood package competencies and are good business practice as completed in most other business sectors in Australia

**3. To assist all states to develop the framework for the delivery of occupational health and safety programs for industry members.**

This objective was originally designed to follow on from the workshops and development of the guidelines. It was expected at the time of the project application that each state would adopt a more focused approach to OH&S as a result of this project.

In addition some states had already some small specific project grant applications in progress to look for funding sources to develop induction DVDs and other resources for industry to use.

Due to a lot of the same reasons as already outlined in this milestone report above, the original plan for the framework requires revisiting. Even in fishery groups such as SRL, there is not a specific framework on which to deliver any additional OH&S information, resources, or materials outside of the Clean Green 2 day workshops

It is now intended to meet this objective by way of:

- Post the developed fishery guidelines for each states on the states web sites in a PDF format for easy downloads
- Advertise the OH&S Codes resources in mail outs of industry magazines for those industry members who would prefer a hard copy sent
- Use the OH&S Codes in each state to leverage additional funding to further develop the resources and the states program
- Use the OH&S Code in each state as a basis for discussion with Government agencies if there are any serious accidents or fatalities as starting point, rather than having nothing to show.

Regarding workshops this initial thought process for the project worked, but only some of the time. The initial workshops were sometimes held, either as part of another fishery meeting, AGM, or workshop for food safety etc. Sometimes workshops were not held but only meetings with the Seafood Peak Body Board or Council.

The expectation that these workshops would just happen did not eventuate, but wherever possible the PI attended individual fishery meetings around Australia, It was however difficult to justify, flying from Perth to Darwin for a 15 minutes meeting with less than a weeks notice.

Further workshops were held wherever possible but they did not necessarily fit in with the milestone schedule. The PI was only able to attend workshops when advised and requested to do so, and this most always did not match the milestone schedule requirements.

## **Benefits and adoption**

Positives from the project

- Implementation of the Regulations in each state is not always practical for the fishing industry to follow and /or implement. One of the benefits of this project is that the documentation developed was / is not a one size fits all and it is tailored the fishing industry

Greater awareness of the OH&S needs within the industry

- Greater understanding of risk management principles that can be applied to environment and food safety as well as other significant issues that industry must deal with

Dispelled some of the negatives surrounding “safety”

- Principal investigator has a unique knowledge of the OH&S issues, needs, and attitudes within the industry and this was a critical factor in how the documentation was developed and the content and delivery of the workshops.
- Significant achievements in the area of SRL. Clean Green embraced the OH&S component and has incorporated into the program.
- Individuals/ fishery leaders / state fishery groups who have seen the benefits of the project have utilized the project to its fullest, e.g. SRL Clean Green across SA, TAS, VIC, Northern Territory Aquarium Divers, Spencer Gulf Prawn, Marine Scale – South Australia and the Seafood Industry Victoria overall.

In the compilation of Milestone Report number

### **Further Development**

Aquaculture was never included but has been considered where it can be incorporated

The status / interest for OH&S are directly reflective of the status / interest from industry on a range of issues. With negative industry moral and attitude resultant from a number of unrelated issues, in a number of sectors it was hard to motivate industry to be interested in this topic.

Principal Investigator significantly underestimated the time this project when some fisheries in some states did nothing to assist and expected it all to be done for them.

Not all states had workshops run. Workshops were carried out in the majority of fisheries in SA, VIC, NT. This has been discussed. Some workshops developed into training course with external funding used i.e. Farmbis

Need to allocate funding to develop standards for OHMS such as have been done in SRL – Clean Green. Need to tailor standards to meet AS /NZS 4801:2001 Occupational Health and Safety Management Systems but done at an overall Australia level. Then each state would have a guide as to what they need to do on a more strategic level.

Advisory service for the Australian Seafood and Aquaculture industry to cover items such as Interpretation of the states OH&S Act and the Regulations, reporting requirements, training etc.

Monitoring OH&S legislative changes in each state and advising of new developments that may impact on a fishery

### **Planned outcomes**

The project outputs, namely OHS documentation and education and awareness through industry meetings, workshop, and other presentations have resulted in greater awareness of OHS issues within industry. Some state peak bodies have utilised the program more extensively than others and as a result, the level of understanding within industry is far greater.

It has been evident throughout the project especially in those fisheries's where the PI has had extensive contact; the level of understanding of OHS has increased greatly.

A review of the project was conducted as part of the milestone report due 29 February 2008. This report is attached for reference as Attachment 30.

### **Conclusions**

States that were organized and already embarking on industry programs, fully utilized the resources in the project

OH&S should be part of the other risk management activities for each state fisheries.

State peak body's need the resources on hand, ready and waiting for when the time comes to activate those resources.

Any future people development projects where workshops were involved should have broader milestone requirements, for example, workshop development should be reported on a yearly basis to allow industry to respond accordingly.

People related FRDC projects do not run very well to scientific based projects reporting requirements. This project would only be successful if each state had a person doing what the PI had done in WA and the state peak body was interested and had funding to support that role.

On reflection there should have been an overall 'umbrella document' to establish what was required in each state inline with the AS / NZS 4801:2001 and then the project could have developed the resources in each state to meet the standards in the umbrella document

### **References**

There were no references sited in this report

### **Attachments**

Attachment 1: Letters of commitment from each state,  
Attachment 2: Sample analysis of OH&S and Marine Safety legislation,  
Attachment 3: Presentation to the Spencer Gulf and West Coast Trawl AGM 311003,  
Attachment 4: SA SRL OH&S Code,  
Attachment 5: SA SRL Vessel Safe work procedures,  
Attachment 6: SA OH&S Code,  
Attachment 7: SA Marine Scale Vessel Safety plan,  
Attachment 8: SA Blue Crab Vessel Safety plan,  
Attachment 9: SA Gulf of St Vincent Vessel Safety Plan,  
Attachment 10: SA Lakes and Coorong Vessel safety plan,  
Attachment 11: SA Southern Rock Lobster Vessel Safety Plan,  
Attachment 12: TAS SRL OH&S Code,  
Attachment 13: TAS SRL Vessel Safe work procedures,  
Attachment 14: TAS OH&S Code,  
Attachment 15: TAS Vessel Safety Plan (composite),  
Attachment 16: NSW OH&S Code,  
Attachment 17: NSW Vessel Safety Plan (composite),

Attachment 18: NT Sample /Draft Barramundi Code,  
Attachment 19: NT Aquarium Fish Collectors Diving Code,  
Attachment 20: NT OH&S Code,  
Attachment 21: NT Vessel Safety Plan,  
Attachment 22: VIC OH&S Code,  
Attachment 23: VIC Vessel Safety Plan,  
Attachment 24: VIC SRL OH&S Code,  
Attachment 25: VIC SRL Vessel Safe Work procedures,  
Attachment 26: QLD OH&S Code (part 1),  
Attachment 27: QLD OH&S Code (part 2),  
Attachment 28: QLD OH&S Code (Appendices),  
Attachment 29: QLD Vessel Safety Plan,  
Attachment 30: Milestone Report 290208.