


Work health and safety laws

Guide for Queensland's rural industry





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Introduction

This guide provides an overview for the rural industry about the *Queensland Work Health and Safety Act 2011* (WHS Act) and the *Work Health and Safety Regulation 2011* (WHS Regulation). It is designed to help rural industry employers and workers understand their health and safety duties in the workplace. It should not be read in place of the details in the WHS Act, WHS Regulation or the codes of practice.

Readers should be aware of other sources of information available at www.worksafe.qld.gov.au, which outline various aspects of the legislation, including:

- *Guide to the Work Health and Safety Act 2011*
- codes of practice
- rural fact sheet series.

Nationally uniform laws were introduced to help ensure all workers in Australia have the same standard of health and safety protection. Nationally uniform work health and safety laws mean greater certainty and reduced compliance costs for employers, particularly those operating across state borders.

More consultation between employers, workers, and their representatives, along with clearer responsibilities will make workplaces safer for everyone.

Definitions

Person conducting a business or undertaking (PCBU) – a business or an undertaking that is either done alone or with others, whether or not for profit or gain. A PCBU can be a sole trader (for example a self-employed person), a partnership, company, unincorporated association or government department or public authority (including a municipal council). An elected member of a municipal council acting in that capacity is not a PCBU.

Worker – employees, contractors, subcontractors, outworkers, apprentices and trainees, work experience students, volunteers and PCBUs who are individuals if they perform work for the business.

Officer – a person who makes, or participates in making decisions that affect the whole or substantial part of the organisation's activities.

Due diligence – emphasises the corporate governance responsibilities of officers. Officers of corporations and unincorporated bodies need to show that they have taken reasonable steps to:

- acquire and update their knowledge of health and safety matters
- understand the operations being carried out by the person conducting the business or undertaking in which they are employed, and the hazards and risks associated with the operations
- ensure that the person conducting the business or undertaking has, and uses, appropriate resources and processes to eliminate or minimise health and safety risks arising from work being done
- ensure that the person conducting the business or undertaking has appropriate processes in place to receive and respond promptly to information regarding incidents, hazards and risks
- ensure that the person conducting the business or undertaking has, and uses, processes for complying with duties or obligations under the WHS Act.

Reasonably practicable (section 18 of the WHS Act) – the guiding principle of the WHS Act is that all people are given the highest level of health and safety protection from hazards arising from work, so far as is reasonably practicable.

The term ‘reasonably practicable’ means what could reasonably be done at a particular time to ensure health and safety measures were in place.

Health and safety representative – a worker who has been elected by a work group to represent them on health and safety issues.

What’s new?

Below is a summary of some of the new requirements relevant to the rural industry:

- **Reasonably practicable** – refer to definition above
- **Due diligence** – refer to definition above
- **Remote and isolated work** – the risk associated with remote or isolated work must be managed, so that a worker is provided a system of work that includes effective communication.

- **Hazardous chemicals** – the *Dangerous Goods Safety Management Act 2001* has been repealed. There is now a requirement for notification to WHSQ if:
 - o a quantity of hazardous chemical handled, used or stored exceeds the prescribed Schedule 11 (WHS Regulation) manifest quantity
 - o if a facility exceeds 10 per cent of a Schedule 15 (WHS Regulation) threshold quantity.
- **Asbestos** – asbestos containing materials must be managed and an asbestos register is required for workplace buildings unless the building was constructed after 31 December 2003, and in which no asbestos has been identified at the workplace, and where asbestos is not likely to be present.
- **Tractors and roll over protective structures** – there is a requirement for roll-over protective structures (ROPS) for all tractors, with some exemptions.
- **Confined spaces** – the risks of confined spaces must be managed in accordance with the WHS Regulation.
- **High risk work licences** – high risk work licences are required to operate certain machinery and undertake certain tasks. The operation of forklifts is considered to be high risk work.
- Managing the risk of **musculoskeletal** disorders associated with a hazardous manual task.
- Managing the risks of **falls and falling objects**.

The legislation

Work Health and Safety Act 2011

The *Work Health and Safety Act 2011* (WHS Act) provides a nationally consistent framework to protect the health, safety and welfare of all workers at work and of all other people who might be affected by the work.

The WHS Act outlines health and safety duties and rights in the workplace.

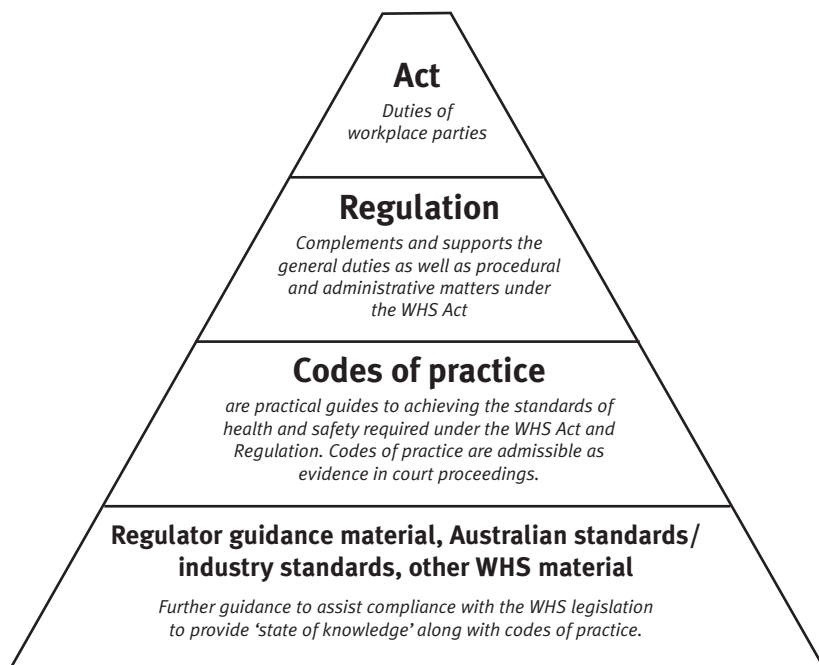
Work Health and Safety Regulation 2011

Anyone with duties under the WHS Act should refer to the *Work Health and Safety Regulation 2011* (WHS Regulation) and codes of practice. The WHS Regulation outlines how a duty under the WHS Act must be performed and prescribes procedural or administrative matters to support the WHS Act (e.g. licences for specific activities or the keeping of records).

Codes of practice

The codes of practice provide practical guidance to assist duty holders to achieve the standards required under the WHS Act, and provide effective ways to identify and manage risks.

Queensland has preserved a number of existing codes of practice which will continue to be recognised, and repealed others. There are also new codes of practice and that have been developed nationally and adopted in Queensland.



Transitional provisions

Transitional provisions have been introduced to allow industry sufficient time to adjust from the old laws to the new laws.

For more information about the transitional provisions refer to the following documents:

- *Transitional provisions at a glance: Work Health and Safety Act 2011*
- *Transitional provisions for the Work Health and Safety Regulation 2011*
- *Asbestos transitional arrangements.*

Incident notifications

Workplace incidents/procedures

The *Work Health and Safety Act 2011* (WHS Act) and the *Safety in Recreational Water Activities Act 2011* (SRWA Act) set out what sort of incidents are notifiable to Workplace Health and Safety Queensland (WHSQ). An incident is notifiable if it arises out of the conduct of a business or undertaking and results in the death, serious injury or serious illness of a person or involves a dangerous incident.

A PCBU is required to make the notification immediately after becoming aware that a notifiable incident arising from the business or undertaking has occurred.

The person conducting a business of undertaking must keep a record of each notifiable incident for at least five years from the date notified to WHSQ.

-
1. *Relates to an injury to the skull. It does not relate to a bruise or minor abrasion or laceration to the skin. It does include temporary or permanent amnesia (this may be established through assessment of memory of things prior to or after the incident) or loss of consciousness.*
 2. *An injury that involves an object penetrating the eye (e.g. metal fragment, wood chip), exposure of the eye to a substance for which the risk phrase of the relevant material safety data sheet or label states 'risk of serious eye damage', i.e., notification is not required where the risk phrase states 'irritating to the eye'.*

When is an injury or illness serious?

The WHS Act and the SRWA Act set out that a serious injury or illness of a person is:

- an injury or illness requiring the person to have:
 - o immediate treatment as an in-patient in a hospital
 - o immediate treatment for:
 - the amputation of any part of his or her body
 - a serious head injury¹
 - a serious eye injury²
 - a serious burn³
 - the separation of his or her skin from an underlying tissue (such as degloving or scalping)
 - a spinal injury⁴
 - the loss of a bodily function
 - serious lacerations⁵; or
 - o medical treatment (treatment by a doctor) within 48 hours of exposure to a substance
- any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work:
 - o with micro-organisms
 - o that involves providing treatment or care to a person
 - o that involves contact with human blood or body substances
 - o that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.

3. A burn that requires more treatment than washing the wound, ice pack and a dressing.

4. An injury to the cervical, thoracic, lumbar or sacral vertebrae. It includes the associated soft tissues such as muscles, ligaments, discs and nerves (including the spinal cord). Of particular interest to WHSQ is if the injury is likely to result in the person having more than four consecutive days off work.

5. Is a laceration that requires immediate medical treatment (treatment by a doctor) for one or more deep and/or extensive cuts, tears of wounds to the flesh or tissues (this may include stitching to prevent loss of blood and/or other treatment to prevent loss of bodily function and/or infection).

- the following occupational zoonoses contracted in the course of work involving the handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products:
 - o Q fever
 - o Anthrax
 - o Leptospirosis
 - o Brucellosis
 - o Hendra virus
 - o Avian influenza
 - o Psittacosis.

What is a dangerous incident?

A dangerous incident is an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- electric shock
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel.

How do I notify?

Notification must be by the fastest possible means. The options for notifying are:

- by phoning 1300 369 915
- by completing the online incident notification form at www.worksafe.qld.gov.au
- by faxing the completed incident notification form to (07) 3247 0297
- by emailing the completed incident notification form to whsq.aaa@justice.qld.gov.au.

Other notifications

PCBUs are required to notify Workplace Health and Safety Queensland of the following matters:

- Asbestos removal work (licensed asbestos removalist)
- Asbestos fibre levels greater than 0.02 f/ml (licensed asbestos removalist – for Class A removal work)
- Asbestos emergency work – domestic premises (PCBU with management or control of the workplace – for demolition work)
- Asbestos emergency work – non-domestic premises (PCBU who is to carry out the demolition work – for demolition work)
- Hazardous chemicals exceeding manifest quantities and 10 per cent of Schedule 15 quantities at a workplace
- A quantity of hazardous chemicals handled, used or stored that exceeds the prescribed Schedule 11 (WHS Regulation) manifest quantity
- Lead risk work commencing
- Changes to information regarding lead risk work
- Worker who is removed from carrying out lead risk work
- Health monitoring reports
- Abandoned underground tanks used to store a flammable liquid or flammable gas

- Pipelines conveying hazardous chemicals that cross into a public place
- Demolition work
- Appointment of health and safety representatives.

Workers' compensation

Under the *Workers' Compensation and Rehabilitation Act 2003*, you can claim workers' compensation for an injury that you receive at work, if you are a worker. Under Section 11, a worker must be an individual. A worker is likely to be a person who performs the same work in the same way as an employee. Even where a person calls themselves a 'sub-contractor', if you engage them for work and control the 'what, when, where and how', they are likely to be classified as a worker.

A person who works on a farm as a share farmer is a worker if:

- the share farmer does not provide and use the share farming operation's farm machinery driven or drawn by mechanical power
- the share farmer is entitled to no more than one third of the proceeds of the share farming operations under the share farming agreement with the owner of the farm.

For a workers' compensation claim to be accepted you must have sustained an 'injury' as defined by workers' compensation legislation. Your employment must be 'a significant contributing factor' to your injury or illness. An injury can include:

- a cut or fracture
- disease (asbestosis or Q fever)
- aggravation of a pre-existing injury
- industrial deafness (loss of hearing)
- psychiatric or psychological conditions (depression or stress)
- death from injury, illness or aggravation of a disease.

For more information contact WorkCover Queensland on 1300 362 128.

General responsibilities

Managing risks to health and safety

A PCBU has a duty to manage risks to health and safety of workers and to customers and onlookers to the work activity.

PCBUs must manage risks to health and safety by identifying all reasonably foreseeable hazards, applying a control measure that is reasonably practicable after working through a hierarchy of risk control measures, and then maintaining and reviewing these risk control measures.

An injury is the most common outcome of a workplace incident, but a near miss might be fatal the next time it occurs. Workers should report all incidents, including near misses, to their employer. Workers are often the best placed people to identify hazards, especially those caused by faulty equipment.

Risk management

A safe and healthy workplace does not happen by chance or guesswork. You have to think about what could go wrong at your workplace and what the consequences could be. Then you must do whatever you can (in other words, whatever is 'reasonably practicable') to eliminate or minimise health and safety risks arising from your business or undertaking.

This process is known as risk management and involves four steps (refer to the *How to Manage Work Health and Safety Risks Code of Practice 2011*).

1. **Identify hazards** – find out what could cause harm.
2. **Assess risks if necessary** – understand the nature of the harm that could be caused by the hazard, how serious the harm could be and the likelihood of it happening.
3. **Control risks** – implement the most effective control measure that is reasonably practicable in the circumstances.
4. **Review control measures** to ensure they are working as planned.

The most important step in managing risks involves eliminating them so far as is reasonably practicable, or if that is not possible, minimising the risks.

In deciding how to control risks you must consult your workers and their representatives who will be directly affected by this decision. Their experience will help you choose appropriate control measures and their involvement will increase the level of acceptance of any changes that may be needed to the way they do their job.

There are many ways to control risks. Some control measures are more effective than others.

You must consider various control options and choose the control that most effectively eliminates the hazard or minimises the risk in the circumstances. This may involve a single control measure or a combination of different controls that together provide the highest level of protection that is reasonably practicable.

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest. This ranking is known as the hierarchy of risk control.

The hierarchy of risk control

Level 1

Eliminate the hazard.

Level 2

Substitute the hazard with something safer.

Isolate the hazard from people.

Reduce the risks through engineering controls.

Level 3

Reduce exposure to the hazard using administrative actions.

Use personal protective equipment.

For more information refer to the *How to Manage Work Health and Safety Risks Code of Practice 2011*.

Representation

Health and safety representatives (HSRs)

Health and safety representatives are elected by each work group and represent their fellow workers' health and safety interests.

There are a number of requirements to be met during election procedures, including ensuring opportunity for nomination, communicating the date of the election, providing opportunity for voting and informing workers and other relevant people of the outcomes.

Health and safety representatives (HSRs) elected under the repealed *Workplace Health and Safety Act 1995* continue to hold their appointment for three years from the date they were appointed.

HSRs can exercise all their powers under the WHS Act, including issuing of provisional improvement notices (PINS) and the power to direct workers to cease work, until 31 December 2012. After this time, if they have not undertaken the requisite training, they will not be able to continue to direct workers to cease work. As all qualified HSRs have already completed PINS training, they will not be required to undertake further training on this matter.

Any incomplete elections for a HSR must be finalised by 31 March 2012, otherwise they must be restarted under the new provisions of the WHS Act.

Any PINS issued by a HSR will remain in force and can be enforced under the provisions of the repealed *Workplace Health and Safety Act 1995*.

Any non-compliance will need to be addressed by issuing a new PIN under the WHS Act or appointing an inspector to review the PIN. Any notices issued by the inspector would be under the WHS Act.

Where a HSR has had their entitlement to issue PINS under the repealed *Workplace Health and Safety Act 1995* suspended or cancelled, this continues to apply under the WHS Act (either for the period of suspension or indefinitely).

Health and safety representatives are entitled to attend an initial course of training of five days followed by one day's refresher training each year, with the entitlement to the first refresher training commencing one year after the initial training.

Work groups

Negotiations for and determination of work groups and variations of work groups must be directed at ensuring that the workers are grouped in a way that:

- most effectively and conveniently enables the interests of the workers to be represented
- has regard to the need for a health and safety representative for the work group to be readily accessible to each worker in the work group.

Health and safety committee

A health and safety committee facilitates co-operation between a PCBU and workers in developing and carrying out measures to ensure health and safety at work.

Workplace health and safety officers (WHSO)

All WHSO appointments have now lapsed, regardless of the date of expiry on the certificate (as of 1 January 2012).

A person with qualifications and experience in safety can continue to provide valuable assistance to businesses in meeting their duties under the work health and safety laws. Workplace Health and Safety Queensland advises that many businesses voluntarily retain their WHSO employees to assist them in complying with their obligations under the WHS Act.

For more information refer to the *Work Health and Safety Consultation, Cooperation and Coordination Code of Practice 2011*.

General workplace management

Training, information and instruction

To ensure compliance with primary duty of care under the WHS Act, the duty holder must ensure workers receive training, information and instruction that is suitable, adequate and understandable to meet the needs of the worker and be relevant to the nature of the work and risks.

Duty to provide and maintain adequate and accessible facilities

A PCBU at a workplace must ensure, so far as is reasonably practicable, the provision of adequate facilities for workers, including toilets, drinking water, washing facilities and eating facilities.

A duty holder must ensure that the following is provided and maintained, as far as reasonably practicable, without risk to anyone's health and safety:

- a means of entry, exit and movement within workplace
- a work space
- floors and surfaces designed, installed and maintained
- adequate lighting to enable each person to carry out work, move within the workplace and evacuate in an emergency
- ventilation
- control of risks associated with extremes in temperatures
- control of risks associated with essential services
- adequate facilities for workers (including toilets, drinking water, washing and eating facilities).

For more information refer to the *Managing the Work Environment and Facilities Code of Practice 2011*.

First aid and emergency plans

A duty holder must ensure provision and access to first aid equipment, facilities, and an adequate number of trained workers to administer first aid. This includes:

- the provision of first aid equipment for the workplace
- that each worker at the workplace has access to the equipment
- access to facilities for the administration of first aid.

Keep emergency phone numbers handy for the following services:

- fire service

- doctor and ambulance
- Poisons Information Centre (13 11 26).

Business operators are required to develop procedures to deal with workplace emergencies including:

- evacuation procedures
- notifying emergency service organisations at the earliest opportunity
- medical treatment and assistance
- effective communication
- testing of the emergency procedures, including the frequency of testing
- information, training and instruction to relevant workers in relation to implementing the emergency procedures.

All workers should be familiar with emergency procedures for the workplace, such as:

- who to report to in an emergency
- emergency telephone numbers
- evacuation procedures and the designated meeting place
- the type of fire extinguisher to use for different fires.

The first emergency plan is to be prepared by 30 June 2012. Note that this plan is in addition to the requirement for a fire and evacuation plan under the *Building Fire Safety Regulation 2008*. Both of these plans can be combined into one plan for the workplace.

Personal protective equipment

The control of exposure to risks should be secured by one or more measures other than provision of personal protective equipment. Personal protective equipment (PPE) is the least effective method of controlling a safety risk. If the PCBU identifies that PPE is to be used to control the risk of injury, they must follow the WHS Regulation which discusses the provision, selection, maintenance and information on how to use the PPE correctly.

When choosing appropriate PPE, consideration should be given to how the equipment will protect you.

For example, a helmet will reduce the severity of a head injury to a rider of a quad bike or two-wheel motorbike if they were to fall off, but it does not prevent the incident from occurring. Relying on PPE alone will not reduce the risk of an incident, but it could reduce the severity of an injury.

The PPE provided must be suitable to the risk, the work and the worker and be maintained, repaired or replaced to ensure it is in good working order, and is clean and hygienic. A worker must be provided with, and must use the PPE in accordance with, information, training and instruction in relation to the safe use of the PPE.

Remote or isolated work

Remote or isolated work, in relation to a worker, means work that is isolated from the assistance of other people because of location, time or the nature of the work. Assistance includes rescue, medical assistance and the attendance of emergency service workers. A duty holder must minimise the risk to the health and safety of workers and provide a safe system of work, which includes effective communication with remote and isolated workers.

For example, a single worker irrigating on a property during the day and the night must have a safe system of work. This could include a call in system, provision of communication such as a two-way radio or phone, or a buddy system. The system implemented needs to be reasonably practicable for the situation.

This requirement commences 1 January 2013.

Managing risks from contaminants

Keep in mind the health and safety of yourself and others when cleaning up chemical spills, especially if it is a chemical concentrate. The safety data sheet (SDS) gives information for cleaning up a chemical spill. Try to contain a chemical spill so that it does not get into a watercourse or storage facility.

Each chemical has an identification code, called a UN number (a four-digit number assigned by the United Nations to identify dangerous goods), which you can find stamped on the container or on its label. It

is also found on the relevant SDS. If you call an emergency number to report a chemical incident, supply them with the UN number.

Hazardous atmospheres

A duty holder must manage risks associated with a hazardous atmosphere. An atmosphere is a hazardous atmosphere if:

- the atmosphere does not have a safe oxygen level (e.g. grain respiration occurring in grain silos leading to an oxygen depleted atmosphere, or effluent pits depleted in oxygen as a result of microbial action, or use of vehicle exhaust gas to purge a tank or vessel)
- the concentration of oxygen in the atmosphere increases the fire risk (e.g. gas leak from a compressed oxygen cylinder used for welding activities in a confined area raising the oxygen concentration)
- the concentration of a flammable gas, vapour, mist, or fumes exceeds five per cent of the lower explosive limit for the gas, vapour, mist or fumes (e.g. tanks and containers containing residual fuel, or use of solvents in enclosed areas). A hazardous chemical in the form of a combustible dust is present in a quantity and form that would result in a hazardous area. Combustible dusts include wood dust, biosolids, sugar, starch, flour, feed, and grain. Hazards may exist when these dusts are finely divided, accumulate and become suspended in the air to create a hazardous atmosphere (e.g. grain silos or enclosed grain handling facilities where air-borne dust is generated).

Storage of flammable or combustible substances

A duty holder must ensure that, if flammable or combustible substances are kept at the workplace, the substances are kept at the lowest practicable quantity for the workplace.

Flammable or combustible substances include:

- flammable and combustible liquids, including waste liquids in containers, whether empty or full
- gas cylinders, whether empty or full.

Falling objects

A PCBU at a workplace must manage risks to health and safety associated with an object falling on a person if the falling object is reasonably likely to injure the person.

If it is not reasonably practicable to eliminate the risk, the PCBU must minimise the risk of an object falling on a person by providing adequate protection by preventing an object from falling freely, so far as is reasonably practicable. If it is not reasonably practicable to prevent an object from falling freely, then a system (e.g. secure barrier, exclusion zone) to arrest the fall of a falling object must be used.

Hazardous work

Noise

The WHS Regulation requires all employers or self-employed people in the rural industry to protect themselves and their workers from the risk of exposure to excessive noise. To do this, you must assess whether or not noisy activities on your farm present a potential risk to yourself or your workers.

A worker who is frequently required to wear PPE to protect against noise that exceeds the exposure standard must be provided with audiometric testing for the worker within three months of the worker commencing the work, and at least every two years. This requirement for audiometric testing commences on 1 January 2013.

Likely upper noise levels from different farming machinery and the respective allowable exposure times without hearing protection are shown in the table below. Under the WHS Regulation, noise is excessive where it exceeds the exposure standard of 85 dB(A), averaged over an eight hour period or where a peak noise level of 140 dB (C) occurs.

dB(A)	Farming machinery or operation	Maximum time
80	Tractor idling	No limit
85	Working in a tractor with an enclosed cab	8 hours
90	Shearing shed	2 hrs 30 min
90	Chainsaw idling	2 hrs 30 min
95	Angle grinder	48 min

95	Grain auger	48 min
95	Header	48 min
100	Tractor operating under load without a cab	15 min
100	Orchard sprayer	15 min
105	Pig shed at feeding time	4 min
120	Chainsaw cutting	8 seconds
140	Aircraft at 15 m	No safe limit
140 dB (C)	Shotguns/rifles and other firearms far exceed the 140 dB limit	No safe limit: instantaneous damage

The warning signs of hearing loss include:

- raising your voice when talking to somebody nearby
- your hearing remains dull after stopping work
- a ringing in your ears lasting up to several hours after stopping work
- regularly asking people to repeat what they say
- difficulty hearing in group discussions or on the telephone
- frequently having to turn up the volume on the radio or television.

How serious is hearing loss?

Hearing loss is permanent—there is no cure. Noise-induced hearing loss usually develops slowly over several years so you do not realise there is a problem until it is too late.

When using firearms, if proper protection is not used, hearing loss can happen after a few shots. Repeated exposure to excessive noise will eventually lead to permanent hearing loss and may also create health problems such as increased blood pressure and heart rate, heart disease and stress.

For more information refer to rural fact sheet 3 – *Hearing protection* and the *Managing Noise and Preventing Loss at Work Code of Practice 2011*.

Hazardous manual tasks

A PCBU must manage risks to health and safety relating to a musculoskeletal disorder associated with a hazardous manual task.

In determining what control measures to implement, the PCBU must have regard to all relevant matters that may contribute to a musculoskeletal disorder, including:

- postures, movements, forces and vibration relating to the hazardous manual task
- the duration and frequency of the hazardous manual task
- workplace environmental conditions that may affect the hazardous manual task or the worker performing it
- the design of the work area
- the layout of the workplace
- the systems of work used
- the nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual task.

A designer of plant or a structure must ensure that the plant or structure is designed to eliminate the need for any hazardous manual task to be carried out in connection with the plant or structure.

Common manual task injuries include sprains and strains to the back, knees and shoulders; spinal disorders (e.g. ruptured discs) and hernias.

Common causes of manual task injury include:

- handling and restraining live animals
- uncoupling equipment
- lifting and carrying loads (e.g. fence posts)
- bending and reaching when performing tasks (e.g. handling animals, including drenching and dipping)
- repetitive bending and awkward positions (e.g. vegetable picking and packing)
- slips, trips and falls from tractors and machinery.

Solutions might include:

- eliminating the problem tasks or parts of the tasks if possible
- redesigning the work area or find a better way of doing the tasks
- improving storage heights of heavy objects

- using mechanical aids e.g. calf cradles, cattle crush, tailgate loaders, trolleys, forklifts, telehandlers or tractor platforms
- using smaller bags, or bulk containers or bins that can be handled by a forklift
- controlling animals by using better animal restraining equipment and yards
- talking to workers about identifying appropriate solutions
- giving training and instructions to workers about their job or tasks
- ensuring workers have adequate rest breaks.

For more information refer to the *Hazardous Manual Tasks Code of Practice 2011*.

Confined spaces

The PCBU must manage the risks associated with a confined space at a workplace. Other specific duties include confined space entry permits, signage, communication, emergency procedures and written risk assessments.

Designers, importers, suppliers and manufacturers have a standard duty to eliminate or minimise entry into a confined space, so far as is reasonably practicable, in relation to the plant or structure.

Working in a confined space has the potential to increase the risk of injury from noise, being overcome by fumes, gases or oxygen depletion, high or low temperatures, manual handling and slips, trips and falls. Storage tanks, silos, field bins, wet and dry wells, manure and silage pits are just some of the examples of confined spaces anyone working on a farm or a rural workplace could expect to work in.

Some of the hazards when working in confined spaces include:

- oxygen deficiency caused by absorption of grains
- carbon monoxide build up in wells from the exhaust of an operating internal combustion engine if it is located near the well's opening
- the presence of contaminants in the atmosphere caused by disturbing decomposed organic material in a bin, letting out toxic substances

- the build-up and release of gases like ammonia, methane, carbon dioxide and hydrogen sulphide in manure pits
- suffocation caused by solids such as grain, sand or fertiliser.

If you are working in a confined space, you must follow certain procedures, including:

- placing a stand-by-person outside the confined space to talk to anyone in the confined space and implement emergency procedures if required
- providing personal protective equipment, rescue, first-aid and fire suppression equipment and training for workers entering the confined space
- supplying safety harnesses and safety or rescue lines where there is a danger of falling during the ascent or descent to access the confined space
- erecting signs that show entry is only permitted after signing the entry permit
- ensuring the area is well ventilated.

For more information refer to the *Confined Spaces Code of Practice 2011*.

Falls

A PCBU at a workplace must manage risks to health and safety associated with a fall by a person from one level to another that is reasonably likely to cause injury to the person or any other person (this does not apply to horse riding).

A PCBU must ensure, so far as is reasonably practicable, that any work that involves the risk of a fall is carried out on the ground or on a solid construction. If it is not reasonably practicable to eliminate the risk of a fall, then the duty holder must minimise the risk of a fall by providing adequate protection against the risk.

High risk work licences

Anyone carrying out high risk work, such as operating a forklift, in the rural industry must hold a high risk work licence. Work health and safety legislation places a duty of care for health and safety on the employer (as a PCBU) to ensure that workers are provided with adequate

information, instruction, training and supervision to enable work to be performed in a manner that is safe and without risks to health. This applies whether or not the worker is required to hold a licence to operate a piece of plant.

There is no longer any requirement for earthmoving and particular crane certificates, however operators must be able to demonstrate competence in the safe operation of the particular piece of plant.

For more information refer to fact sheet – *Forklift licensing in the rural industry*.

Demolition work

The duty holder must notify of demolition work to WHSQ at least five days before work commences, when demolition is of a structure or part of a structure that is load-bearing or otherwise related to the physical integrity of the structure that is at least six metres in height, or involves load-shifting equipment on a suspended floor, or involves explosives.

Existing demolition licensing arrangements continue until the National Occupational Licensing System commences in 2013.

Electrical safety

A PCBU must manage electrical risks at the workplace. There is:

- a prohibition on live work
- a requirement for prior testing, security of de-energised electrical equipment and inadvertent re-energising
- a requirement to use the appropriate residual current device (RCD) for ‘hostile operating environments’ which may remove current requirements for RCD’s or ‘test and tag’ in service or office work.

RCDs may be portable or installed, but the testing of RCDs should be conducted regularly by a competent person.

Make sure you:

- keep electrical equipment away from water
- protect all electrical equipment by using a residual current device
- secure and protect extension leads from damage and ensure they are uncoiled when in use

- maintain equipment in good working order and all specified electrical equipment is tested and tagged where required
- identify the location of overhead powerlines with ground markers
- understand the use of exclusion zones when working near powerlines.

More information about electrical safety is available on the Electrical Safety Office website (www.justice.qld.gov.au/fair-and-safe-work/electrical-safety) or by contacting WHS Infoline on 1300 369 915.

Plant and equipment

Plant and structures

There are now specific requirements on persons who design, manufacturer, import, supply, install, construct or commission plant or structures under the WHS Regulation. A PCBU with management or control of plant must manage the risks associated with plant. That means maintenance, repair, inspection and testing must be carried out by a competent person (or if not reasonably practicable, inspection must be at least annually).

Using adequate guarding

A guard is any shield, cover, casing or physical barrier which is intended to prevent contact between the moving part and a person, or part of that person's clothing.

Generally, guards should be provided where any rural plant part is within reach of people and could become hazardous during operation, routine maintenance or adjustment. This includes situations where it is necessary to service, maintain or adjust the plant while it is operating or mobile. Guards must comply with the relevant Australian standards.

Following is a list of hazardous parts which need guarding to prevent injury:

- any rotating shaft (including joints, coupling, shaft ends and crank shafts), gear (including friction roller mechanism), cable, sprocket, chain, clutch, coupling, cam or fan blade
- the run-on point of any belt, chain or cable
- keyways, keys, grease nipples, set-screws, bolts or any other projections on rotating parts

- any crushing or shearing points e.g. augers and slide blocks, roller feeds, conveyor feeds
- ground wheels and track gear
- rotating knives, blades, tines or similar parts of power-driven machines
- any machine component which cuts, grinds, pulps, crushes, breaks or pulverises farm produce
- hot parts of any machine where the surface temperature exceeds 120°C in normal operation.

For more information refer to rural fact sheet 10 – *Machinery guarding*. Chapter 5 Plant and structures of the WHS Regulation sets out requirements for guarding.

Quad bikes (also known as ATVs)

Quad bike incidents are now among the leading causes of injuries and deaths on farms. Operators and employers should assess the risks of operating a quad bike and identify solutions. Follow the tips below:

- Consider whether a quad bike is the right tool for a particular task.
- Ensure all operators are trained.
- Protect yourself by wearing a properly fitting helmet, eye protection, gloves, sturdy footwear and clothing that cover arms and legs.
- Reduce your speed, especially if you are on rough or uneven ground that might cause you to lose control.
- Be aware of the terrain and changes due to rain or excess vegetation.
- Leave attachments behind that you don't need. Towing attachments add to the overall weight and instability of the bike.
- Take extra care when carrying liquid loads as the weight will shift when turning corners or crossing slopes making the bike unstable.
- Consider whether your quad bike would benefit from the installation of a crush protection device.
- Never let children under 16 use an adult-sized quad bike.

For more information refer to rural fact sheet 33 – *Use of helmets when operating quad bikes (ATVs)*, the brochure *Survive the ride – Quadbike safety for young workers* and the *Rural Plant Code of Practice 2004*.

Chainsaws

All operators of chainsaws must be competent to undertake the task safely. In sending your workers to a chainsaw operator's course is one way of ensuring they will be competent.

Before you operate a chainsaw, it is important to:

- follow the manufacturer's instructions
- ensure the chainsaw is in good working order
- provide and ensure the appropriate protective equipment is worn
- never allow an inexperienced person to use a chainsaw.

For more information refer to rural fact sheet 8 – *Chainsaws*.

Elevating work platforms

Elevating work platform (EWP) operators must use the equipment safely. Specific requirements include:

- design registration of all newly purchased or modified machines
- formal training of operators and record keeping of training undertaken
- assessment of operator competency by a competent person
- elimination of EWP roll over
- safe work procedure development to support training and subsequent safe use
- operator harnessing where an anchor point has been provided
- documented inspection, maintenance and repair procedures
- lock-out procedures that exclude worker access to faulty machines.

The operator of an EWP must ensure:

- operation is authorised and in accordance with the safe work procedure
- mechanical faults are reported
- pre-operational checks are undertaken

- safe working load (SWL) or maximum rated capacity of the platform is not exceeded
- operating speed is consistent with load, terrain and weather conditions and does not exceed the maximum recommended by the manufacturer
- either a lower body or full body harness is worn that is connected to the platform anchor point by a short lanyard. Where absence of an anchor point negates wearing a harness a secondary gate restraint is engaged unless the manufacturer's design prevents ejection from the platform.

The EWP manufacturer must supply an operating instruction plate or durable label with the machine that sets out the rated SWL on the platform and safe working incline for its operation. The date, name and address of the manufacturer and the maximum platform height must also be provided.

Extreme caution must be exercised when operating in the vicinity of overhead powerlines. Work must be carried out in such a way to ensure that no person or conductive hand held equipment or any part of the platform being used in the vicinity of a power line can enter the exclusion zone. Exclusion zones vary depending on whether the person is 'authorised' by the owner of the power line, 'instructed' by the authorised person or is 'untrained'. They also depend on the voltage and insulation status of the overhead power line.

Cutting and welding

Anyone who cuts or welds metal should be trained, and should have a good understanding of the risks associated with the task. Particular care must be taken when cutting or welding containers and structures that contain chemical residues such as fuels and oils.

Drums that contain residual flammable or combustible substances or vapours may explode when exposed to heat. Additionally, drums that have contained substances such as pesticides may release hazardous gases when exposed to heat. Never cut drums that have contained flammable or combustible liquids or gases. Even drums that have been empty for a very long time can contain enough residue substances to explode and/or emit hazardous gas when exposed to heat. Be aware that rinsing drums with water is not a fail-safe method for purging vapours from containers.

When choosing appropriate protective clothing, you should take into account protection of body parts from electric shock and burns from radiation or hot metal parts and splashes.

For more information refer to rural fact sheet 9 – *Cutting and welding*.

Tractor safety

Tractors are usually quite safe when operated properly, however they become dangerous if incorrectly used. Tractors are heavy and powerful machines that can lead to a serious injury or death through only a minor mistake.

PCBUs should consider each type of tractor hazard and associated risk. Control measures should be chosen, implemented and regularly reviewed to ensure the health and safety of all tractor operators.

Guards should protect the operator or any other person from parts of the tractor which are potentially hazardous either when the tractor is in normal operation or undergoing routine maintenance.

The use of canopies with rollover protective structures (ROPS) and/or falling object protective structures (FOPS) should be considered to minimise the operator's exposure to direct sunlight and ultraviolet radiation exposure.

The following tips on tractor safety can help avoid incidents.

- Do not attempt to adjust or work on implements while they are in motion.
- Do not use or attach implements unless the power shaft or power take-off (PTO) shaft is guarded.
- Do not dismount from a moving tractor.
- Ensure the park brake is on and operating effectively before dismounting.
- Do not park a tractor on a steep slope.
- Remove the starting key when the tractor is not in use.
- Ensure you train all operators on the safe use of tractors.
- Wear a seat belt where a ROPS is fitted.

Tractors and rollover protective structures (ROPS)

A person with management or control of a tractor at a workplace must ensure that the tractor is not used unless it is securely fitted with a ROPS. A plate or decal confirming compliance should be attached to the ROPS' frame, or inside the rural mobile plant cabin.

Suppliers must fit a ROPS to tractors weighing between 560 kilograms and 15 000 kilograms. It does not matter whether the tractor is new or second hand. A farmer who sells a tractor privately is classed as a supplier and must meet the same regulatory requirements as other suppliers.

If a tractor is used under trees (in an orchard) or in a place too low (within a building), it may not be practicable to work with an approved ROPS fitted. In such a situation, the ROPS may be lowered or removed. In this case, the person with management or control of the tractor must ensure that the tractor is operated with due care and the ROPS is returned to its normal operating position immediately after the height restriction would no longer affect the use of the tractor with a ROPS.

Exempt tractors

A tractor does not require a ROPS if it:

- weighs less than 560 kilograms
- weighs more than 15 000 kilograms
- is used in a fixed position and in a manner which it can no longer be used as powered mobile plant
- is being maintained, modified, serviced or repaired where it is necessary to remove the ROPS to carry out that work
- is being used for historical purposes
- is being sold for scrap or spare parts.

There are numerous situations in which rural mobile plant poses a risk of injury to the operator in the event of a roll-over. All types of rural mobile plant are potentially at risk of roll over, including harvesters, spray rigs and earth moving equipment.

There are additional control measures for certain plant, such as tractors, which require rollover protective structures. For more information refer to the:

- *Plant Code of Practice 2005*
- *Rural Plant Code of Practice 2004*
- *Safe Design and Operation of Tractors Code of Practice 2005*
- Rural fact sheet 4 – *Tractors*
- Rural fact sheet 5 – *Tractors and rollover protective structures*
- Rural fact sheet 32 – *Roll-over protection for rural mobile plant.*

Falling object protective structures (FOPS)

If the rural mobile plant (including tractors and earthmoving equipment) is used where there is a risk to the operator of falling objects such as in tree-felling or lifting bales, then the equipment should be designed and fitted with a falling object protective structure (FOPS).

A FOPS is a mesh sheeting structure attached to the plant to protect the operator from branches, rocks, bales and other falling objects.

This applies to any earthmoving machinery that weighs more than 1500 kilograms (not including attachments to the machinery). A FOPS must comply with *AS 2294 – Earthmoving machinery – Protective structures – General*.

Hazardous chemicals

Most rural properties, farms and chemical application contractors handle, use and store hazardous chemicals for a range of rural industry activities. Hazardous chemicals cover those chemicals that have been classified as dangerous goods and/or hazardous substances. Examples are fuels, LP gas, ammonia gas, toxic pesticides and herbicides, various acids and industrial gases.

Notifications

PCBUs are required to notify WHSQ of the following matters:

- Notification of a manifest quantity workplace

Where a property uses, handles or stores hazardous chemicals in excess of the prescribed manifest quantity in Schedule 11, they must notify Workplace Health and Safety Queensland in writing. For example, having more than: 2500 litres of petrol; 100 000 litres of diesel; 5000 litres (water capacity) of LP gas; 500 litres (water capacity) of ammonia gas; or 2500 litres of toxic substances.

- Notification of a facility exceeding 10 per cent of Schedule 15 threshold

Where a property has hazardous chemicals present in excess of 10 per cent of the Schedule 15 threshold, they must notify Workplace Health and Safety Queensland in writing. For example having more than 20 tonnes of anhydrous ammonia gas (UN1005); 1 tonne of arsenic pentoxide (UN1559); or 2 tonnes of toxic solids and liquids classified as very toxic or 20 tonnes if classified as toxic in Schedule 15 of the WHS Regulation.

- Notification of abandoned tank

Persons conducting a business or undertaking must notify Workplace Health and Safety Queensland of any abandoned underground tank previously used to store a flammable gas or flammable liquid. Notification must be made to Workplace Health and Safety Queensland in writing.

- Notification of a hazardous chemicals pipeline

Notification in writing to Workplace Health and Safety Queensland is required for a proposed or existing pipeline that conveys hazardous chemicals into a public place.

- Labelling hazardous chemicals – pipe work

A PCBU at a workplace must ensure, so far as is reasonably practicable, that a hazardous chemical in pipe work is identified by a label, sign or another way on or near the pipe work as of 1 January 2013.

Storage and disposal

The label provides advice on safe handling, storage and use and provides information about the chemical's identity and toxicity. Chemical manufacturers are also required to supply safety data sheets (SDS).

These sheets provide detailed information on health hazard information, precautions for use, first aid and safe handling information, as well as chemical data. An SDS also provides information on storage and disposal procedures, and is available from the chemical supplier.

Hazardous chemicals should be stored:

- in a well-ventilated and lockable well-lit shed that has an impervious floor and impervious shelving
- with a bund or other spill containment system to contain leaks and spills
- away from respirators, protective clothing and equipment
- away from incompatible chemicals
- in original containers, with labels intact (if labels come off, always re-label container)
- securely from unauthorised access
- with access to nearby fire-fighting equipment.

The PCBU is required to identify the hazards and minimise the associated risks by implementing appropriate control measures. Specific control measures include:

- keeping a register which includes the safety data sheet
- erecting the required placarding for the hazardous chemicals (where specified)
- erecting safety signs to convey appropriate safety information
- providing a manifest for emergency services (where specified)
- developing emergency plans for hazardous chemicals
- preventing fire and explosions by eliminating or controlling potential ignition sources around flammable materials

- preventing contamination and interaction of incompatible goods
- controlling risks from storage and handling systems (e.g. tanks and vessels)
- immediately cleaning up spills
- decommissioning storage or handling systems that are no longer used
- ensuring workers have sufficient knowledge about safe storage and handling to be improved through induction, information, education, training and supervision
- making sure personal protective equipment (PPE) is provided and worn (e.g. respirators, gloves, chemical resistant boots, eye wash etc)
- preventing access by unauthorised people.

Useful contacts:

1. Queensland Transport

For information about dangerous goods transport requirements on Queensland roads:

Phone: (07) 3320 4446

Web: www.transport.qld.gov.au

2. Drum MUSTER

For information about collection of empty, cleaned, non-returnable crop production and on-farm animal health chemical containers:

Phone: (02) 6230 6712

Web: www.drummuster.com.au

3. ChemClear

For information about the disposal and management of unwanted rural chemicals:

Phone: 1800 008 182

Web: www.chemclear.com.au

Managing agricultural chemical spray drift

The WHS Act places obligations on persons conducting a business or undertaking, to ensure other persons are not exposed to risks to their health and safety arising out of the conduct of the business or undertaking.

Spray drift from an application of agricultural chemicals has the potential to adversely affect the health and safety of persons in non-targeted areas. Management practices must either eliminate spray drift or at least minimise it to a level where it will not cause adverse health impacts. The WHS Act does not apply to residential property owners, but they are still potentially liable at common law for adverse impacts on the health of their neighbours caused by spray drift of agricultural chemicals originating from applications to their gardens or yards.

Key steps to minimising spray drift are to:

- develop a property plan to take into account future application requirements
- establish buffer zones or vegetation barriers and no spray zones to reduce downwind impact of spray drift on sensitive areas
- communicate with neighbours about proposed spraying activities
- consider what alternatives there are for reducing the pest through modifying crop culture or adopting mechanical or biological control methods
- install equipment that provides information on wind speed and direction, temperature and humidity
- understand the agricultural chemical to be sprayed by reading the label and using the right chemical for the right purpose
- use the correct application techniques
- understand the atmospheric conditions and the impact these will have on spraying operations and in light of chemical label recommendations
- make sure your workers have appropriate training, skills and knowledge to handle agricultural chemicals in a manner that is safe and likely to reduce the risk of off-target spray drift
- keep records of spray application, chemical usage and storage details
- have prepared emergency procedures.

For more information refer to the *Rural chemicals guide* and the *Hazardous Chemicals Code of Practice 2003*.

Asbestos

Materials that contain asbestos can be found in buildings, workplaces and dwellings built before 1990. Asbestos can also be found in a variety of building products and friction materials, e.g. cement sheeting or brake disc pads.

Asbestos registers and management plans

The management of asbestos must be controlled and an asbestos register is required for workplace buildings unless constructed after 31 December 2003 and in which no asbestos has been identified at the workplace, and where asbestos is not likely to be present. The asbestos register must be maintained so the information in the register is up to date.

An asbestos management plan helps people with management and control of buildings and other relevant structures to prevent exposure to airborne asbestos fibres by their staff and site visitors. This person must take reasonable steps to label and record asbestos in a register and inform everyone on the premises where asbestos is present, the consequences of exposure to asbestos and other appropriate control measures. The plan should set out clear aims, stating what is going to be done, when it is going to be done, and how it is going to be done.

The WHS Regulation has requirements for asbestos management plans where naturally occurring asbestos is identified or likely to be present at a workplace. These requirements commence on 1 January 2013.

Asbestos licensing

An asbestos licence is required for work to remove any amount of friable asbestos or for removal of more than 10 m² of non-friable (bonded) asbestos.

Work to remove any asbestos containing material must be done to comply with the asbestos removal code. The required licences for removal of asbestos containing material are:

- A class licences which cover work involving both the removal of friable asbestos material, and non-friable asbestos material.
- B class licences which cover the work to remove non-friable asbestos materials only.

The removal 10 m² or less of non-friable asbestos does not require a licence. However it can only be performed by a competent person. A competent person is a person who possesses adequate qualifications, such as suitable training and sufficient knowledge, experience or skill, to perform a specific task safely.

Air monitoring and clearance inspections

When asbestos work is complete, a visual inspection of the work area must be conducted to ensure that it has been cleaned and all asbestos waste removed.

An independent licence assessor is required to perform air monitoring, clearance inspections and to issue a clearance certificate for Class A removal work.

For Class B removal work an independent competent person is required to carry out a clearance inspection and issue a clearance certificate.

Refer to the Queensland Government asbestos website at www.qld.gov.au/asbestos or call 13 QGOV (13 74 68). Also refer to *How to Manage Asbestos in the Workplace Code of Practice 2011* and the *How to Safely Remove Asbestos Code of Practice 2011*.

Animal handling

The legislation requires that hazards are identified, risks assessed and control measures implemented to maintain a safe system of work. For livestock properties, that includes the design and maintenance of animal handling facilities to reduce risk of injury to both the animals and the people who work with them.

To provide a safe workplace, livestock handling facilities should be well designed and functional from both an animal handling perspective and workers' safety. Consider:

- the design and placement of yard and loading facilities
- separating people and animals
- ensuring livestock handlers have a good working knowledge of animal behaviour
- selecting livestock that demonstrate a preferred temperament.

Zoonotic diseases are also a risk that must be managed. Most zoonotic disease is spread through people coming in contact with the bodily fluids and excrement of animals. Good hygiene of workers is one way to reduce the risk.

Where it is reasonably practicable to assume that a worker is at risk of contact with an animal that may carry Q Fever, the worker should be tested and immunised.

More information about zoonoses (diseases that can be spread from animals to humans) is available from the Department of Employment, Economic Development and Innovation (DEEDI).

Health issues

Heat stress and skin cancer

Heat stress is excessive exposure to heat that may lead to a number of heat illnesses ranging from mild (prickly heat) to life-threatening (heat stroke).

Precautions should be taken. At any time, our body temperature is a balance between heat generated internally or taken in from the environment and heat lost. It is important to keep this balance and avoid a rise in core body temperature which may lead to heat illnesses.

If people increase heat production by heavy or intensive outdoor work or by staying for long periods in high temperatures, they must make sure they lose body heat. To avoid heat stress, rural workers in hot conditions, who may feel weak or faint from working outdoors, should stop work immediately and cool down.

Everyone on the farm including children should be encouraged to protect themselves against the sun.

For more information refer to rural fact sheet 25 – *Heat stress* and rural fact sheet 24 – *Skin cancer*.

Children and young workers

Water hazards including dips, dams and troughs are quite often close to the house and are accessible to children. If you have children on your property, consider:

- safe play areas
- adequate supervision of young children
- adequate instruction and training of older children.

For further information refer to the *Children and Young Workers Code of Practice 2006* and for information on safe play areas visit www.farmsafe.org.au.

More information

For more information on work health and safety laws, visit www.worksafe.qld.gov.au or call the WHS Infoline on 1300 369 915.

