

Do you Understand Your OH&S Obligations



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[Can you avoid a \\$943,000 fine or 5 years jail or both.](#)

The Victorian government has increased fines for any breaches of the Occupational Health and Safety Act 2004 and as such, a Property Manager can now be penalised up to \$943,290 and a 5-year jail term by failure to ensure a workplace that is under their control, is safe.. The Act's definition of a **"workplace"** means a place, whether or not in a building or structure, where employees or self-employed persons work. As a workplace under the Act the it is your responsible to ensure it is a safe place for workers, contractors, volunteers, members of the general public, tenants, owners and visitors. Penalties to the Act have been increased to a maximum penalty of \$943,290 fines or 5 years jail or both for Property Managers, Property Owners & Body Corporate Managers.

Insurance policies / companies will not cover a Property Manager / Owner for fines or punitive damages that are awarded in a court of law.

Duties of those who manage or control workplaces (S26)

Any person or body that manages or controls a workplace, to any extent, must ensure that the workplace, including entering and exiting the workplace, is safe and without risk to health. This may include an employer, the building or site owner and the property management or lessee of a building or site that is a workplace. As a Property Manager you are exposed to a number of risks relating to your occupational health and safety obligations and common law responsibilities.

Duty not to recklessly endanger people at workplaces (S32)

It is an offence, without lawful excuse, to recklessly engage in conduct that exposes, or may expose, a person at a workplace to the risk of serious injury.

Officers of organisations are accountable

Only those people at the most senior levels of organisations who are genuinely in a position to prevent contraventions of the Act will be held to be 'officers'. The duty of an officer is to exercise reasonable care. They must use the level of sound judgement, prudent decision-making and taking of action that any reasonable person would, to prevent and reduce hazards and risks to health and safety. (Officers who are volunteers are not liable.) they must :-

1. Keep the workplace, including entrances and exits, safe and without risks to health* (s26)
2. take reasonable care to ensure the organisation complies with OH&S obligations (s144)
3. Not recklessly endanger a person at a workplace (s32)

Provide and maintain for employees:-

1. A working environment that is safe and without risks to health (s21)
2. Monitor the health of employees, keep records and get advice (s22)
3. Protect other people from risks arising from employer's business (s23)
4. Not recklessly endanger a person at a workplace (s32)
5. Hold licences, registrations or permits as required (Part 6)

How can you comply?

A Property manager can comply with their obligation by engaging a professional OH&S company to:-

1. Assessing risks that may result because of the hazards that are existing.
2. Provide control measures to prevent, or minimise the level of the risks.
3. Identifying hazards on the common property
4. Implementing control measures
5. Monitoring and reviewing the effectiveness of the control measures.
6. Ensure that contractors
 - (a) Are properly insured
 - (b) Adequately licensed
 - (c) Provide work statements and Job Safety Analysis. These are documents that detail the methodology of the works that are to be performed and express the risks that will be involved and the counter measures that are to be taken to reduce the risk.

Who do you call?

Roscon Property Maintenance Pty Ltd provides a complete range of services, ranging from safety Inspections, maintenance plan budgets to depreciation schedules. We can provide safety audits of your common property areas and can also provide contractors that are fully qualified to perform all works that may eventuate. We have 21 years of experience in the Body Corporate, Real Estate and Property Maintenance fields and have been dealing with the Occupational Health and Safety Act since it first inception in 1985.

The benefits of using Roscon Property Maintenance Pty Ltd:-

1. You will be dealing with a professional company who has a clear understanding of your requirements within the Body Corporate, Real Estate & Property Maintenance industries.
2. You will be dealing with a company that has clear understanding of the current changes of government legislation.
3. You will avoid future legal implications of the Occupational Health & Safety Act by taking a proactive approach.
4. Important issues are brought to your attention and preventative measures are provided.
5. You are dealing with a local Victorian Company who has local knowledge of the implications of the State and Local Legislation.
6. We are accredited to Quality Assurance Standard ISO 9001: 2000.

Call us now on (03) 9386 9563

Email us at peter@roscon.com

Total reporting & maintenance management service

“Market leaders in our field”

ROSCON PROPERTY MAINTENANCE PTY. LTD.

A Member of The Roscon Group Of Companies

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