



THE COMPLIANCE TEST

The applied test operates on the principle of whether you can show compliance against the Common Law Duty of Care requirements of the legislation (EPA; OHS; HACCP etc). The practical application of these ideas can often be found in the regulations. Failure to show a systematic approach means failure of the test.

1. Was it "Foreseeable"? In other words did we have reasonable knowledge of the problem and, if we didn't, why not?
 - Aspect & hazard identification (workplace inspections etc) are part of the answer to this.

2. Was it significant? In other words did we have an understanding of the consequences if the system were to fail? And, if not, why not?
 - Risk Assessment (Ranking aspects & hazards based on their likelihood, severities, durations and frequencies of occurrence).

3. Was it practical & reasonable to do something about it? In other words would you spend capital on correcting a faulty machine guard or water management in preference to lesser priorities?
 - Control Hierarchy
 - Elimination or Removal
 - Substitution, Re-use, Recycling
 - Engineering
 - Administrative
 - PPE