

WORK HEALTH & SAFETY

COMPLIANT OUTDOOR GAMING AREAS – CLUBS NSW

PRESENTED BY

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21 August 2025

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LAWYERS

WHS – OUTDOOR GAMING AREAS - Compliance

WORK HEALTH & SAFETY ACT & REGULATIONS

SMOKE FREE ENVIRONMENT ACT & REGULATIONS

LIQUOR, GAMING, AML ETC LAWS

SAFework NSW

STEPS IN MANAGING HEALTH AND SAFETY AT WORK

RISK ASSESSMENTS AND CONSULTATION

SAFE SYSTEMS OF WORK, TRAINING, SUPERVISION, AUDITING

WHAT TO DO WHEN THE SAFETY REGULATOR CALLS...

RECOMMENDED NEXT STEPS

RAISING SAFETY CONCERNS

PSYCHOSOCIAL HAZARDS

WORK HEALTH & SAFETY LAWS & REGULATIONS NSW

WHS Act General Duty:

PCBU must ensure, so far as is reasonably practicable, the health and safety of workers and that the health and safety of other persons is not put at risk.

WHS Regulations

PCBU must assess the risk to workers and others health and safety, eliminate such risk, or implement reasonably practicable control measures.

Safework NSW v Wagga Motors

Outdoor Gaming Areas – Legal Compliance

Smoke Free Environment Act and
Regulations – 25% open

Liquor Act and Regulations

Gaming Machines Act and Regulations

Registered Clubs Act

Anti-Money Laundering and Counter
Terrorism Financing Act (Cth) and
Regulations

Outdoor Area Ventilation

Volume of Air Change

Moving Louvers etc

SAFework NSW

Attending your Club:

Part 9 WHS Act

Powers of Entry

After entry, need to notify PCBU and
any HSR

Inspectors Gathering Evidence:

Compel answers, take documents,
videos, recordings, body worn
cameras

Interview workers

Conduct Inspections

Record in Notebook.

Club WHS Risk Management Controls

Risk Assessment of workers exposure
to Environmental Tobacco Smoke and
E-Cigarettes

Assess tasks and time in OG Area

Cleaning outside club open hours

Consultation and Communications

Training in safe controls

P2 Masks available

Hazard & Incident Reporting

Regular Reviews

Staff concerns & role flexibility

WHS Meetings or HSR's

Safework NSW – WHS Act

Improvement and Prohibition Notices,

14 days for Review

(HSR Provisional Improvement Notice)

Investigation – Section 155 Notices

No Review process

WHS Investigations & Enforcement

Compelled interviews & Notices

Two year limitation period

Section 19 & 31 & 32 Offences

Sec 104 Discriminatory Conduct

Union WHS prosecutions

WHS Prosecutions NSW

Safework v PCBU & Two Officers

August 2025 District Court NSW

Sydney Indoor Climbing Gym

October 2021 incident

Section 19 & 32, 27 & 32

Failure to maintain safe workplace

Criminal Conviction and Penalties

PCBU Max app \$1.8M

Officers Max app \$370,000

Q Fines?

Steps to consider

Plan, Plan, Plan

Consult

Review

Update

Communicate

Review

Respond

Be Prepared.

Phone a friend.

Psychosocial Hazards Risk
Assessment

About HWLE

HWLE is the only fully integrated commercial law firm with offices in every State and Territory across Australia. Our rapid rise to become the largest legal partnership in Australia shows that clients and lawyers want to do things differently. With 270+ partners and over 1,700 staff in Australia we're able to offer expert legal support.

Our specialists include:

Workplace Relations

Employment


Work Health & Safety





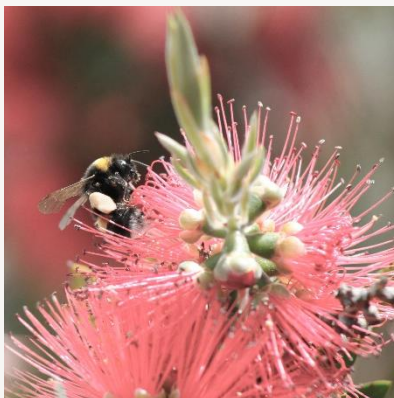
Questions?

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