



Anglican Diocese of Newcastle

WH&S Newsletter

July 2015

WELCOME TO THE JULY WH&S NEWSLETTER, INCORPORATING PROPERTY & RISK.



DID YOU KNOW? WHERE IT IS ILLEGAL TO SMOKE IN NSW THESE DAYS?

A total "enclosed space" ban was introduced in New South Wales on 1 July 2007. In NSW, a public place is considered substantially enclosed only if the total area of ceiling and wall surfaces are more than 75% of its total notional ceiling and wall area. Windows and doors may be counted as open space only if they are locked open to the outside for the duration of trading hours. 10% of the total ceiling and wall area must remain open to the elements at all times.

Since 1 July 2009, smoking in a car with a child under the age of 16 is against the law. The Public Health (Tobacco) Act 2008 creates a new offence of smoking in a car with a child under 16 years of age in the vehicle. A \$250 on-the-spot fine applies to the driver and any passenger who breaks the law. This is enforced by NSW Police.

Since 7 January 2013, smoking is banned at public (outdoor) playgrounds within 10 m of children's play equipment, in open areas of public swimming pools, at major sports grounds, within 4 m of any building open to the public and at public transport stops (including outdoor parts of railway stations, bus stops, light rail stops and taxi ranks). Bans on smoking within 4 metres of a pedestrian access point to a public building will include licensed premises, restaurants and cafés from July 6, 2015.

FREQUENTLY ASKED QUESTIONS

HERE ARE 5 QUESTIONS FOR THIS MONTH

Q.1: - We have had several instances where we have had cigarette butts being put out in bathroom rubbish bins. Does the Diocese have a Policy on Smoking in the Workplace? And are we bound to provide a smoking area for smokers?

A.1: - It is now illegal to smoke in a "workplace" and as all of our buildings with the exception occasionally of rectories are now workplaces it is therefore illegal to smoke in buildings on site. It is also illegal to smoke within 4 metres of any building entrance used by pedestrians, at public outdoor playgrounds and within 10 m of children's play equipment.

We do not need to offer a smoking area, however this would be entirely up to parishes, I would prefer that we didn't, but if some parishioners simply cannot "quit" then it would be better to make them welcome in some way as long as the smoking area did not contravene any of the non smoking areas by law in any way. – Please see the "Did you know" section above. We would need to provide a non-combustible bin for the cigarette butts also.

There is of course the other obvious issue related to people putting out cigarette butts in waste bins and that is of the increased risk of fire.



Q.2: - What is the maximum age for insurance coverage for volunteers (volunteer worker's)?

A.2: - The age limits for our Voluntary Workers Insurance is still from 7 to 95 years of age.





Q.3: - We have a commercial kitchen in the parish however for some catered events that people are being charged for, some people are making food at home and bringing it in for the events. Is this allowable?

A.3: - No. Food that is prepared for publicly attended fee paying catered events must be entirely prepared in a location that complies with the Food Act and is a registered food business with the NSW Food Authority. Food that is transported to an event also has a greater chance of not being stored at the required temperatures and hence potentially being in the danger zone for bacteria growing.

It is not a comment on individual's cleanliness or safe food practices but a risk management strategy as non registered Food Businesses i.e people who have made food for sale, have been fined for sums of \$20,600 for non compliances.

Please see the "Costly Food Incident" article at the end of the Newsletter relating to heavy fines for breaching guidelines for food safety for fee paying events.

Q.4:- We want to build a columbarium next to the church what do we need to do to get this approved?

A4:- If any Parish wishes to have a columbarium constructed on church property they will need to firstly have a design, then have the resolution approved at Parish Council level. After this has been approved a Form 13.9 - Submission to the DPSU (Diocesan Property Services Unit) will need to be adequately filled out including drawings and sent into parish services in the Diocesan office. This application will need to be approved by The Property Approvals Board (PAB) before any

further work can commence. This is important as we do not want columbaria built over in-ground services, pipes or in areas that may have a detrimental effect on the ground conditions and drainage of church buildings. It is always necessary to complete a "Dial before you Dig" investigation to understand where Telstra cables or other pipes, cables and services run, as it would be a monumental pain, to have to move the columbarium after it has been built in the event of a fault requiring in ground rectification in an area underneath or very close to the columbarium.

The "Dial before you Dig" homepage is on the web at <http://1100.com.au/#>

Depending upon the size of the columbarium, its proposed location on site, the heritage status of your church lands and the council area in which you live, you may be required to lodge a Development Application (DA) and a Construction Certificate (CC) with your local council for its approval. Once the proposed DA & CC has been approved by the council you will need to adhere to any DA conditions imposed by the council on your columbarium development. Large proposed columbaria and columbaria that have large memorial gardens associated with them, will more likely than not, require council approval. The best thing to do, as always, is talk to your local councils "Duty Planner" for advice regarding your individual circumstances and the best way to move forward.

If the columbarium does require a DA & CC, and has been approved by the PAB, send in the DA/CC application forms into the diocesan office for signing by The Secretary to the Trustees of Church Property as "The Owner" of the land.

If the columbarium is not associated with an existing Cemetery or Crematorium then it will need to be registered with the government body known as "Cemeteries and Crematoria NSW". If the columbarium will be a part of an existing cemetery, then only an update will need to be forwarded onto "Cemeteries and Crematoria NSW".

The forms and procedure for this initial registration process was sent out to all parishes as Memo 014/2014 on the 6th May 2014 if you are interested or need to refresh your memory. If you do not

have this memo or the forms handy please contact Parish Services.

I know this sounds like a lot of steps/work, but really it's a bit of research into your site conditions a design for the columbarium and at the worst filling out 3 forms.

If you would like more information or advice on columbaria please contact Parish Services.



Q5:- We have a local group who wish to hire our hall on a weekly basis, do they need Public Liability Insurance and if so can they just use the option of using the Diocesan Casual Hirer Insurance?

A5:- Any group that wishes to enter into a license agreement for a hire or lease arrangement of a parish hall on a continuing weekly basis will unequivocally need to have their own Public Liability Insurance. Groups cannot utilise the Diocesan one-off Casual Hall Hire insurance on multiple occasions.

As ever, if you have any queries regarding building issues, development, property, risk, WH&S, insurance or anything else that you may need advice or help with, please do not hesitate to contact me or Parish Services.

Best regards,

**Brendon Lowndes
Property and Risk Officer**

or if you have any WH&S specific questions you can e-mail me at: whs@newcastleanglican.org.au



FOOD FOR THOUGHT



COSTLY FOOD INCIDENT

NSW Food Authority received a complaint on Monday 2 February 2009 alleging several foodborne illness cases following a BBQ cultural function at a bowling club in the Eastern suburbs of Sydney.

The function had been held the previous Friday night, 30 January.

The BBQ had been part of a weekly community gathering of over 100 paying guests held every Friday evening. It was run by a family who provided entertainment (a band) and food (a selection of salads and barbecued meats).

This business, which was most like a home catering operation, was not notified to the Authority which made investigating the incident more difficult.

No permission had been obtained from the Authority or the local council to conduct catering activities.

A joint outbreak team with officers from the Authority and staff of NSW Health was formed to investigate the outbreak.

In all, 13 cases linked to the function were admitted to hospital with Salmonella poisoning.

ENVIRONMENTAL INVESTIGATION

Most attendees ate their meal at the venue on the evening of the 30 January. Some, however, purchased takeaway meals or took leftover food home for later consumption.

Salads were prepared before the event in the club kitchen. Mayonnaise used was sometimes commercially-produced and sometimes made at home. Meats were cooked on the BBQ at the bowling club.

Analyses of people who were sick showed a strong association between eating a Russian Salad made with raw egg mayonnaise and symptoms of salmonellosis.

An Authority officer went to the bowling club on Tuesday 3 February and swabbed various surfaces in the kitchen and BBQ area for microbiological analysis. Some structural and cleanliness issues were detected. There was no dedicated hand wash basin in the kitchen and hot water from the sink, used for washing & sanitising utensils & tableware, was no more than 47°C.

Permission was given by the home caterer—who at the time was in hospital with other family members after consuming function leftovers—for Authority officers to sample

leftover foods stored in the family home. A total of 12 food samples and 1 tea towel used at the function were taken for microbiological analysis.

Test results for samples from the home caterer's residence indicated that the raw egg mayonnaise, raw vegetables, cooked food and the tea towel were positive for Salmonella. The swabs taken from the bowling club were negative for Salmonella.

Specialist DNA fingerprinting of Salmonella isolated from stool samples of 30 patients who attended the function showed they all had the same bacterium. This same Salmonella DNA pattern was isolated from the positive food samples, indicating that what was found in the left over food was also responsible for making those attendees ill.

Further investigation found significant gaps in the food handling skills and knowledge required by regulation of the home caterer. For example, the caterer alternated between using commercial mayonnaise and making their own from raw eggs for events but did not understand the higher risk presented by using raw eggs and the added precautions necessary when making such a product particularly in the peak of summer in a poorly ventilated domestic kitchen. The home caterer failed to notify the NSWFA of their business activities despite starting regular barbeque functions 12 months earlier.

The caterer was successfully prosecuted for a number of regulatory breaches, including the sale of unsafe food, and fined a total of \$20,600.

