

Modernising Work Health and Safety Laws in Western Australia

Submission by WA Health and Safety

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Submission template - blank

This template that allows you to address any aspect of the model WHS Act. If you wish to comment on a large number of the MAP recommendations you should consider using the template that has all of those recommendations pre-filled.

Questions for you to consider:

1. What is the likely cost to implement a specific proposal?
2. What is the benefit to workplace participants?
3. Is a specific recommendation likely to be effective in achieving safer workplaces?
4. Are there any unintended consequences of a proposal?
5. If a new requirement is proposed, what are the costs and benefits?

Recommendation number in the Consultation Paper and/or section number in the model WHS Bill.

Comment (including costs and benefits)

8 – Provision of OSH Advice

As an OSH professional, I give advice in a variety of settings. At times, this advice or recommendation is not taken up by management or decision-makers. There are times where advice is verbal, particularly in operational settings.

This places a significant onus on individuals to be able to show what advice was given. Documentation is not practical at times.

Does this proposal extend to WorkSafe inspectors and union representatives? Given proposed entry provisions, the accountability should extend to them.

There has been significant impact on the ability to insure in the OSH professional field. This year, my premiums have tripled on last year. Major insurance companies are refusing to insure OSH consultants. I put this down to the impact of WHS prosecutions in the eastern states. Increasing insurance premiums decreases the ability of individuals to provide consultancy services. For many small businesses cheaper advice is needed. This could potentially remove small consultants from the industry, and reduce the ability of small business to access cost effective

	<p>advice, particularly with the removal of the ThinkSafe small business program.</p> <p>OSH professionals influence, but may not be in control or decide.</p> <p>I would prefer to see the onus on PCBUs to employ competent OSH professionals, and drive an increase in professionalism through this means, rather than focusing on the individual practitioner.</p>
9. Hospitalisation	<p>Admission to hospital rules out many incidents which have a serious potential or impact, particularly in remote situations where medical treatment may be administered on site.</p> <p>Organisations can avoid reporting under the current legislation if medical treatment is provided and they return to work on restricted duties.</p> <p>The current WA definitions gives more substance than the WHS, but could be extended further to encompass hospitalisation.</p>
19. Union right of entry	<p>I do not agree with union right of entry on OSH matters.</p> <p>The ability to enter a workplace, take evidence etc, where there is no union member is excessive.</p> <p>Union right of entry gives regulatory power to a body that is not the regulator. Provisions for worker representation already exist in the SHR role.</p> <p>One day training for union representatives is insufficient.</p> <p>High risk or complex workplaces require technical and specific OSH knowledge which is not the union's place to represent. Unions should be representing industrial issues only.</p> <p>Union right of entry has the potential to be abused, as seen in the eastern states prosecutions in this area.</p> <p>It is not the union's role to regulate in this area.</p>
20 notifying regulator	<p>I don't agree with union right of entry. If this does occur, the Regulator should be notified prior to entry to allow regulator to perform their duty.</p>
26 recording after events	<p>I don't agree with this.</p>

	<p>Information given after traumatic events may not be factual. Over the years I have had incidents where witnesses may act to protect their workmate or friend initially, but later alter their story.</p>
33	<p>Disagree.</p> <p>Potential for abuse and targeting of businesses. Cost of defence an increased business cost which could be onerous for small businesses.</p> <p>Regulation including prosecution should lie with the regulator, not unions.</p>
35	<p>Further delays to transition to the GHS model should be limited. Operating under a transitional arrangement is difficult for business. Current GHS Safety Data Sheets are difficult to apply to the terminology in the OSH Act and DG Act and regulations.</p> <p>WA needs immediate alignment to the GHS requirements. There has already been a delay of over 5 years.</p> <p>Current requirements for hazardous substances risk assessments don't align to minor storage requirements of the GHS model codes of practice and are onerous, particularly the requirement to train individuals on the hazards of individual chemicals, where general training suffices.</p> <p>This additional training requirement is placing extra cost on businesses to comply. Generic training as applicable should be sufficient.</p> <p>Specific chemical regulation required for particular industries could be included in their regulations instead of delaying it overall.</p>
36	<p>Include a position on the committee for persons to self-nominate e.g. members of the public.</p> <p>Business and industry representatives often have a self-interest in the process which could be biased.</p>