

# Modernising Work Health and Safety Laws in Western Australia

## Submission by the WA Police Union

### **Confidentiality**

This document has been modified to remove personal information not specifically authorised for publication or that is not in the public domain. This includes some contact and personal details, and metadata. Electronic signatures have also been removed.

This process may have resulted in minor changes to the appearance of the submission but has not modified the substantive content. If you believe there have been changes to content of the document please email [WHSreform@dmirs.wa.gov.au](mailto:WHSreform@dmirs.wa.gov.au) or call the WorkSafe Contact Centre on 1300 307 877.

### **Accessibility**

This is a third party document and DMIRS has conducted a basic review to ensure the majority of the substantive content is accessible. There may be elements of this submission that are not fully accessible (for example, scanned or hand-written elements). If you are having difficulties accessing the document please email [WHSreform@dmirs.wa.gov.au](mailto:WHSreform@dmirs.wa.gov.au) or call the WorkSafe Contact Centre on 1300 307 877.



# WA POLICE UNION

SCANNED

DEPT. MINES,  
INDUSTRY REGULATION  
& SAFETY

19 JUL 2018

CORPORATE  
INFORMATION

13 July 2018

SCANNED

19 JUL 2018

WF-WS-Commissioner

639 Murray Street  
West Perth WA 6005

P (08) 9321 2155  
F (08) 9321 2177  
E [admin@wapu.org.au](mailto:admin@wapu.org.au)  
T @WAPoliceUnion  
[www.wapu.org.au](http://www.wapu.org.au)

ABN 11 005 082 386



Acting Director General  
Safety Regulation – Submission on WHS Reform  
WHS Reform  
Locked Bag 14  
CLOISTERS SQUARE WA 6850

Dear Sir/Madam

## MODERNISING WORK HEALTH AND SAFETY LAWS IN WA – PUBLIC COMMENT

The WA Police Union (WAPU) would like to take this opportunity to comment on the Ministerial Advisory Panel (MAP) report on proposed amendments to the model Work Health and Safety Bill ('WHS Bill') for adoption in Western Australia.

WAPU currently has more than 6,500 Members which represents 98 per cent of all sworn police officers, police recruits, police auxiliary officers, protective service officers, Aboriginal liaison officers and cadets employed by the Commissioner of Police. WAPU assists Members by providing a range of services including industrial, legal and welfare support.

WAPU has no comment to make on the recommendations contained within MAP's report. It would however like to commend the MAP for retaining the definition of 'police officer' under Section 7(2) of the proposed WHS Bill (Appendix B, Section 7: p 97).

Section 4A of the existing *Occupational Safety and Health Act 1984* ('OSH Act') denies police officers the same right as every other worker (including other emergency services) to refuse dangerous work that has a reasonable risk of causing serious harm to themselves or others:

*"(2) A police officer cannot refuse to work as mentioned in Section 26(1) if the refusal to work would adversely affect, or could reasonably be expected to affect adversely, a covert operation or dangerous operation."*

Section 4A does not just deny police officers the same legal protections afforded to other emergency service workers, by refusing to work a dangerous operation an officer jeopardises their employment for refusing to obey a lawful order or direction, whether or not it is unreasonable is not always a consideration.

WA police officers are further hampered as they are not currently protected by workers' compensation legislation. Compared to other workers, police officers receive limited financial support, if forced to retire due to work-related injuries.

Under the current OSH Act, dangerous operations are not just inherently more risky to a police officer's safety, but that officer will receive a lesser form of compensation compared to other workers, should that operation result in medical retirement.

In its current form, Section 7(2) of the WHS Bill would significantly assist police officers. Our Members accept dangerous tasks are an inherent risk of frontline duties, but like all safety risks, it should never amount to an unnecessary risk. Section 7(2) would improve both the personal safety of police officers and the general public they protect. WAPU strongly urges the proposed section is contained in the WHS Bill eventually sent to State Cabinet for final approval.

If you have any further queries in relation to this matter, please do not hesitate to contact me.

Yours sincerely

A black rectangular redaction box covering the signature of George Tilbury.

**George Tilbury**  
**President**

*CC: Minister for Police*