

# Modernising Work Health and Safety Laws in Western Australia

## Submission by Chemistry Australia

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29 August 2018

ATTENTION OF THE A/DIRECTOR GENERAL, SAFETY REGULATION  
WHS Reform  
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Dear Sir/Madam,

### **Modernising work health and safety laws in WA**

Chemistry Australia is the peak national body representing the chemistry industry. Chemistry Australia members include chemicals manufacturers, importers and distributors, logistics and supply chain partners, raw material suppliers, plastics fabricators and compounders, recyclers, and service providers to the sector and the chemistry and chemical engineering schools of a number of Australian universities.

The chemistry industry is the second largest manufacturing sector in Australia. Our industry employs more than 60,000 people, with every job also creating five more in related supply chains. The industry contributes \$11.6 billion to gross domestic product, and supplies inputs to 109 of Australia's 111 industries.

Australia's entire society – businesses, consumers and governments – along with its natural environment receive enormous benefits associated with the safe, responsible and sustainable use of industrial chemicals. By supplying 109 of 111 Australian industry sectors, chemistry assists Australia to respond and address global challenges of protecting the environment, ensuring a safe and sustainable food supply and improving standards of living in Australia and elsewhere.

Chemistry Australia strongly welcomes the opportunity to provide comment on modernising the Work Health and Safety (WHS) Laws in WA. Chemistry Australia supports a national harmonised approach on the model WHS legislation, as this will aid compliance, improve safety outcomes, and reduce regulatory burden and cost to both industry and governments.

For more information or if we can assist this review any further, please don't hesitate to contact me on +613 9611 5417 or by email at [nzovko@chemistryaustralia.org.au](mailto:nzovko@chemistryaustralia.org.au)

**Yours sincerely,**

**Nick Zovko**  
**Chemistry Australia - Regulatory Policy Manager**

## **Introduction**

National Harmonisation of WHS laws was part of the Council of Australian Governments (COAG) National Reform Agenda aimed at reducing regulatory burdens and creating a seamless national economy. COAG agreed and committed to harmonisation of WHS Laws through the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety (IGA). Jurisdictional alignment is essential to ensuring that the objectives of the IGA are met to produce a national approach that would:

- *enable the development of uniform, equitable and effective safety standards and protections for all Australian workers;*
- *address the compliance and regulatory burdens for employers with operations in more than one jurisdiction;*
- *create efficiencies for governments in the provision of OHS regulatory and support services; and*
- *achieve significant and continual reductions in the incidence of death, injury and disease in the workplace.*

This submission supports the harmonised approach, however we have made specific recommendations below, that will, if accepted and accommodated, would ensure improved productivity, while maintaining a balanced regulatory environment.

### **Recommendation 5 - Definition of import**

*WA proposal - amend the definition of import to include importation from another state or territory into Western Australia*

Chemistry Australia consider that the proposal reduces the fundamental goal of the WHS regulation, in creating a seamless national economy. The proposal creates barriers and imposes increased businesses liabilities, which would be difficult to satisfy.

The Model WHS Act introduces 'import' as defined as "means to bring into the jurisdictions from outside Australia", which is different to the WA proposal. Chemistry Australia contends the WA proposal and supports the adoption of import as defined by the model WHS Act.

The proposal will create significant consequential costs to WA businesses and burdens which will be difficult to comply with, especially in terms of chemical management. This will impose importer/manufacturer liabilities on all Western Australian business that import any product across borders for workplace use with significant responsibilities. The onus on classification, MSDS and labels should lie with the first supplier in Australia regardless from which jurisdiction. The first supplier in Australia is expected to have the technical and formulation knowledge to meet the obligations of classification, MSDS and labels. How could a small to medium enterprises be expected to comply with such duties? Many times the formulation of the product may not be disclosed due to commercial business information.

Also, what happens when there are multiple introducers importing the same product in WA. This could lead to different outcomes in classification, labelling and safety information. We understand that there is enforcement restriction when the introducer is not in WA, however, we consider that these issues can be resolved more efficiently and effectively by coordination with other jurisdictional authorities, if a need arises.

Furthermore, the WHS regulations is circular in terms of hazardous chemical management for a PCBU, therefore enforcement on WA businesses can still be exerted by the regulator on elements that apply to first supplier. WA businesses will have specific duties under the model WHS Regulations to manage the risks



to health and safety associated with using, handling, generating and storing hazardous chemicals at a workplace.

***Recommendation 35 – Dangerous goods jurisdiction***

*“Streamline and modernise dangerous goods safety laws, and adopt Schedule 1 of the model WHS Bill”*

Chemistry Australia supports the proposal to the reform of dangerous goods laws in Western Australia to explore where efficiencies and reduction of red-tape can be gained to improve the operability of the Dangerous Goods laws with the WHS. The WA MHF scheme already imposes costs that exceed those imposed by comparable regulators in other jurisdictions, therefore any gained efficiencies would help WA industry to remain competitive.

Also, under the model WHS laws, hazardous chemicals encapsulates dangerous goods to support a streamline approach to regulation. Adopting similar practices in WA would support the underpinning principles of national consistency part of the COAGS national reform agenda.

***Conclusion***

Chemistry Australia strongly supports progressing national harmonisation in WA as it is a more recent approach to the Robens performance-based legislation than currently used in WA and is a sound approach to workplace health and safety legislation. Harmonisation will bring significant benefit to industry in aiding a seamless national approach, and benefits to WA government to draw upon the significant resources already developed part of the national reform.

