



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

# Submission templates - Work Health and Safety Regulations for Western Australia

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# WHS Regulations submission coversheet

## Section 1: Submission details

Full name	Maree Gooch		
Organisation and position (if applicable)	SafeFarms WA		
Email	[REDACTED]		
Telephone	[REDACTED]		
Employment status (if applicable)	<input type="checkbox"/> Worker	<input type="checkbox"/> Principal contractor	
	<input type="checkbox"/> Employer	<input type="checkbox"/> Contractor	
	<input type="checkbox"/> Self-employed	<input type="checkbox"/> OSH professional	
	X Other – Not For Profit providing tools & support to ag industry		
Size of workplace	X Small (0-9)	<input type="checkbox"/> Medium (20-199)	<input type="checkbox"/> Large (200+)
Please indicate in what capacity you are making this submission (select one of the following categories)	<input type="checkbox"/> Individual	<input type="checkbox"/> Industry representative	
	<input type="checkbox"/> Business	<input type="checkbox"/> Academic	
	X Community organisation	<input type="checkbox"/> Government representative	
	<input type="checkbox"/> Employer organisation	<input type="checkbox"/> Professional	
	<input type="checkbox"/> Other (enter details)		
Which industry sector do you operate in?	Agriculture		
Your type of job or business (if applicable)	Executive Officer		

## Section 1: Permission details

### Internet publication

Public submissions may be published in full on the website, including any personal information of authors and/or other third parties **contained in the submission**.

Please tick this box if you wish for your input to remain confidential (that is, you **do not consent** to having your input published on the internet)

### Anonymity

Please tick this box if you wish for your input to be treated as anonymous (that is, you **do not consent** to having your name, or the name of your organisation, published on the internet with your input)

### Third party personal information

Please tick this box **if your input contains personal information of third party individuals**, and strike out the statement that is not applicable in the following sentence:

The third party **consents / does not consent** to the publication of their information.

## WHS Regulations submission comments

Enter your comments on specific regulations in the table below. You may add new rows at the end of the table if you wish to include comments on other aspects of the national model WHS regulations.

When making your submission, please consider providing specific responses to the following issue:

1. What is the benefit to workplace participants of a proposal?
2. What is the likely cost for you, your business and the Regulator to implement a specific proposal?
3. Is a specific recommendation likely to be effective in achieving healthier and safer workplaces?
4. Are there any unintended consequences of adopting individual regulations in the model WHS regulations?
5. If a new requirement is proposed by the model WHS regulations, what are the costs and benefits?

This template can be used for providing your views concerning:

- National Model Work Health and Safety Regulations
- Demolition licensing under the OSH regulations
- Commercial driver fatigue under the OSH regulations
- Protection from tobacco smoke under the OSH regulations
- Proposed deletions in Western Australia to remove overlap with the *Dangerous Goods Safety Act 2004*

## Section 2: Feedback

### Track-changed document submission

Which consultation document(s) are you providing feedback on?	<input checked="" type="checkbox"/> Differences between the national model WHS regulations and the OSH regulations 1996
	<input type="checkbox"/> Consultation document WHS (Mines) Regulations for WA
	<input type="checkbox"/> Consultation document WHS (Petroleum and Geothermal Energy Operations) Regulations for WA
	<input type="checkbox"/> <i>Proposed deletions in WA to remove overlap with the Dangerous Goods Safety Act 2004</i>
	<input type="checkbox"/> Commercial vehicle drivers: Hours of work – Work Health and Safety Regulations for WA
	<input type="checkbox"/> Protection from tobacco smoke – Work Health and Safety Regulations for WA
<input type="checkbox"/> Demolition work: Licence – Work Health and Safety Regulations for WA	

Number of pages in  
your submission

Does this submission contain a **track-changed version** of the  
draft proposal?

Yes

No

*If yes, submit as a Microsoft Word compatible document (\*.docx)*

#### General comments

1. What is the likely cost for you, your business, and the Regulator to implement a specific proposal?

The perceived cost per small to medium farming business to implement a full safety, health and wellbeing safety system across the business is between \$10,000 and \$100,000 depending on the size of the business. This includes the time involved for a FTE (or part thereof) person to manage the safety system for the business. This does not include purchasing or making up a system that will apply to individual businesses. SafeFarms WA provides tools, workshops and support to businesses in the agriculture sector to implement these types of systems.

2. What is the benefit to workplace participants?

The Legislation and Regulations will not be a benefit to workplace participants, the implementation of safety systems which can be designed following the Legislation and Regulations will. Benefits will include, but not be limited to increased safety, less accidents and hopefully deaths. Safety systems are a communication tool which can improve safety too. Business efficiencies can also be improved and therefore by reducing costs and increasing output can potentially increase business profit.

3. Is a specific recommendation likely to be effective in achieving healthier and safer workplaces?

No. Not any specific recommendation.

It is recognised through empirical evidence that Safety Systems are an overarching support tool to enable participation through leadership and interaction amongst teams and the people in the business – the most important asset of any business. The Legislation and Regulations, based on the Model Health and Safety Regulations (2015) will guide industry and where relevant enforce the application across industries. The transition and uptake of safety systems will take time as attitudes and behavioural change takes time.

Of great concern is the impact of the unknown, primarily in reference to the impact of Industrial Manslaughter Regulations and/or Legislation being incorporated into the new legislation with **no reference** that is evident on the DMIRS website or has

been made available by DMIRS when requested by this office, to this in the Model Health and Safety Regulations of (2015) or the reviews of the legislation provided the period of Stakeholder Consultation from 26 August to 26 November, 2019.

4. Are there any unintended consequences of adopting individual regulations in the model WHS regulations?

The overarching changes to legislation will be an opportunity for DMIRS to raise the profile of safety across a wide variety of industries who either don't know about or ignore the OSH Act of 1984.

The concern of not having any reference to Industrial Manslaughter changes in any of the Regulations is monumental as this will significantly impact businesses. Small to Medium enterprises, many of which are family businesses will be significantly impacted if the suggested Industrial Manslaughter comes into being. Family businesses will be destroyed if through no fault of their own, and despite training, inductions and providing a safe work place, a worker is fatally injured through their own fault or taking risks that they have been instructed not to take.

On a positive note, safer workplaces will directly impact and mean safer communities. In regional WA many of the Volunteer Ambulance drivers are community members and they are the ones that will attend accidents and fatalities which can often cause Post Traumatic Stress Disorder (PTSD). By raising the awareness of the legislation and regulations will be an opportunity for many to slow down and think differently about WHS and WHY we need to do it differently in the future.

5. If a new requirement is proposed by the model WHS regulations, what are the costs and benefits?

This is unclear as to what is actually being asked. It would be up to DMIRS to provide a cost benefit analysis on this – referring to Industrial Manslaughter for a prime example and we would hope that DMIRS will do this and provide the CBA for public consultation.

It is unclear as to how long the transition to WHS will take and this will be a necessary and valuable opportunity for DMIRS to provide leadership and education in these areas. We encourage education opportunities in regional areas – not just the larger regional towns, but at the grass roots – even a 'roadshow' would be a good idea.

Safe Work Australia published the [Model Work Health and Safety Regulations - Transition Principles](#) (SWA Transition Principles) which can be used as guidelines for adopting the WHS regulations and harmonisation. It is hoped that DMIRS will

consider and possibly follow many of these guidelines. Safe Farms WA will be supporting industry in the transition and through the change management process.



## Detailed comments

If commenting on specific content, you may wish to use the table below.

Reference to specific model WHS / OSH reg no.	Comment