

# Modernising Work Health and Safety Laws in Western Australia

## Submission by Suncorp

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30 August 2018

Stephanie Mayman  
Chairperson  
Ministerial Advisory Panel  
Safety Regulation  
WHS Reform  
Locked Bag 14  
**CLOISTERS SQUARE WA 6850**

By email: [WHSreform@dmirs.wa.gov.au](mailto:WHSreform@dmirs.wa.gov.au)

**RE: MODERNISING WORK HEALTH AND SAFETY LAWS IN WESTERN AUSTRALIA**

Suncorp welcomes the opportunity to contribute to the debate on *Modernising Work Health and Safety Laws in Western Australia Consultation Paper* (the CP).

**Executive Summary**

In respect to the CP , Suncorp offers the following comments:

1. We support simplifying and updating current work, health and safety laws into a single piece of legislation that covers mines, petroleum and general workplaces in Western Australia (WA);
2. We support the adoption of the model Work Health and Safety (WHS) Act<sup>1</sup> to improve consistency with the rest of Australia;
3. We recommend ensuring the new WHS regime takes into account the gig economy and how it is changing workplaces and creating mentally healthy workplaces; and
4. We suggest that consideration be given to recommendations arising from the current review of the Model WHS Act due to report in early 2019.<sup>2</sup>

**About Suncorp**

Suncorp offers a range of financial products and services including banking, general insurance, compulsory third party (CTP) insurance, workers compensation insurance, life insurance and superannuation across Australia and New Zealand.

Suncorp has about 13,400 employees and relationships with eight million customers. Suncorp is a top 20 ASX-listed company with \$97 billion in assets.

Suncorp provides a wide range of insurance products to small and medium sized businesses as well as to corporate customers. These products are distributed nationally, both directly and indirectly, through intermediaries.

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<sup>1</sup> [Work Health and safety Act 2011](#)

<sup>2</sup> Work Safe Australia - [Review of the model WHS laws](#)

Suncorp provides workers compensation insurance in most available jurisdictions around Australia under the GIO brand. CTP insurance is provided in New South Wales, the Australian Capital Territory, Queensland and South Australia. Within the CTP schemes, Suncorp operates primarily under the GIO and/or AAMI brands.

Suncorp has consistently taken a leadership role within the industry to advocate necessary reform to statutory personal injury schemes. We have published several white papers covering competitive underwriting, scheme design and no-fault lifetime care. As Australia's largest private personal injury insurer, we take this role seriously and continue to support reform that improves the lives of our customers. Copies of these white papers are available upon request.

This submission is made on behalf of Suncorp's Personal Injury Portfolio and Products division.

## **Suncorp in the Community**

Suncorp's community-focused activity is centred on risk management, injury prevention, social participation and quality of care for those who are injured or have a disability. We value the communities in which we live and work, and have entered into partnerships with a range of organisations that are also dedicated to making a difference in the lives of people who have been affected by personal injury.

Our community partners include Youngcare, Adapted Physical Activity Program, James Cook University, Advance Queensland, Queensland Police, RYDA and Fatality Free Friday. Suncorp also works with youth education initiatives such as the P.A.R.T.Y. Program and has a partnership with the Driver Education Centre of Australia, which aims to address some of the root causes of severe personal injury on Australian roads. Not only do these partnerships provide valuable insights to our staff on how injuries can impact injured workers, it also informs our formulation of scheme design and safety measures.

## **The Consultation Paper**

Suncorp supports a nationally consistent work, health and safety regime that responds to an increasingly global economy. Protecting employers, workers and their families effectively, not only has community and societal benefits but also has economic benefits through a consistent and effective approach in preventing workplace injuries in the first place, and supporting those who are injured to a speedy recovery and back into early, productive, sustainable work.

Suncorp does not propose to respond to each and every recommendation in the consultation paper, but supports the general approach of the proposed reforms. As a general proposition, Suncorp supports reform that simplifies and updates current laws into a single piece of legislation that covers all industries and workplaces in WA. The aim should be to improve consistency with the approach taken in most other Australian jurisdictions.

Currently, there is a high degree of consistency in the WHS laws across Australia, where adopted. However, variations in the law do exist.<sup>3</sup> The variations may be due to consideration of local conditions however, this does need to be balanced with the need to consider issues of national interests.

In this regard, we repeat our approach taken in our submission lodged in the current Work Safe Australia review.<sup>4</sup> For instance, the variations in the law arguably act as a disincentive for small or medium businesses to expand their operations across jurisdictional boundaries, due to the regulatory burden. Further, the current state of play is not completely aligned with the Federal Government's agenda to protect and enhance competition within Australian markets and work should continue towards achieving full alignment.

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<sup>3</sup> Safe Work Australia – [Variations between states and territories](#)

<sup>4</sup> Safe Work Australia - 2018 Review of the model work health and safety laws - <https://engage.swa.gov.au/review-consultation>

It is unclear how the proposed new WHS laws will respond, in practical terms, to the increasingly casualised workforce and the rise of independent contractors, particularly in the service industries. The growth of the gig economy and the disability workforce provides opportunities for those normally locked out of employment, such as those living with disability, their carers and the mature-aged worker. Typically, this workforce will be casualised and considered independent contractors, without workers compensation insurance cover. Consideration also needs to be given to the growing trend of workers working in non-traditional workplaces, such as private residences (service industry) and work-from-home arrangements.

Ensuring the proposed new WHS laws are relevant to this cohort of workers is crucial to foster workforce participation. An education program explaining the proposed work, health and safety obligations would also be required for this group.

Mental health awareness within the community is increasing but needs further work. Greater awareness is required in understanding mental illness pathways and capacity to work. This is particularly relevant for the service industries, including the disability workforce. Safe Work Australia provides resources in respect to creating mentally healthy workplaces, which may be modified for local conditions if required.<sup>5</sup>

WA should support a nationally consistent and streamlined approach to support businesses in employing those living with mental ill health (or any pre-existing medical condition). Harnessing those living with disability and with capacity into the workforce, can only benefit the WA community and Australia more broadly.

Consideration should also be given to complex workplaces, where both Federal and State WHS laws may apply to the same workplace, to ensure an integrated and streamlined approach is taken to secure workplace safety.

## Conclusion

Suncorp supports all efforts to reform current work, health and safety laws in WA in line with the national approach. However, during the reform process consideration should be given to ensure the new legal framework supports the growth of competition within Australia's market place and fosters workforce participation for those normally locked out of employment. Both these ideals are in WA's best interests.

Suncorp has not attempted to respond to every recommendation in the CP, but is willing to work collaboratively with all relevant stakeholders towards a WA approach that is nationally consistent and supports the desired outcomes. Should you wish to discuss any of the points raised in this submission, please contact me on [REDACTED] or by email at [REDACTED]. Alternatively, please contact [REDACTED], Head of Accident & Trauma, Insurance on his landline [REDACTED]; mobile [REDACTED] or by email at [REDACTED].

Yours faithfully

Chris McHugh  
**Executive General Manager**  
**Personal Injury Portfolio and Products**  
**Insurance**

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<sup>5</sup> Safe Work Australia - <https://www.safeworkaustralia.gov.au/business-case-creating-mentally-healthy-workplace>