

Water Corporation Submission - Work Health and Safety
Regulations for Western Australia

WHS Regulations submission coversheet

Section 1: Submission details

Full name	Tony Dennis	
Organisation and position (if applicable)	Water Corporation, Head of Safety and Wellbeing	
Email	[REDACTED]	
Telephone	[REDACTED]	
Employment status (if applicable)	<input type="checkbox"/> Worker <input type="checkbox"/> Employer <input type="checkbox"/> Self-employed <input type="checkbox"/> Other (enter details)	
	<input type="checkbox"/> Principal contractor <input type="checkbox"/> Contractor <input type="checkbox"/> OSH professional	
Size of workplace	<input type="checkbox"/> Small (0-9) <input type="checkbox"/> Medium (20-199) <input checked="" 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 checked="" type="checkbox"/> Business <input type="checkbox"/> Community organisation <input type="checkbox"/> Employer organisation <input type="checkbox"/> Other (enter details)	
	<input type="checkbox"/> Industry representative <input type="checkbox"/> Academic <input type="checkbox"/> Government representative <input type="checkbox"/> Professional	
Which industry sector do you operate in?	Utilities	
Your type of job or business (if applicable)	Water and wastewater	

Section 1: Permission details

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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** to the publication of their information.

Section 2: Feedback

Track-changed document submission

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

Water Corporation supports the harmonisation of WHS legislation and the adoption of proposed WHS Regulations and support the retention of the 3 Regulations (Protection from tobacco smoke, Commercial vehicle drivers: Hours of work and Demolition work: Licence) currently provided under OSH Regulation 1996.

Our review consisted of undertaking a number of workshops with subject matter experts to study the 'National Model Health and Safety Regulations 15 January 2019' (**Model WHS Regulations**), the 'Differences between the National Model Work Health and Safety Regulations' and the 'Occupational Safety and Health Regulations 1996' (**OSH Regulations**). The review consisted of understanding the impact of the Model WHS Regulations replacing the current OSH Regulations and capturing changes and impacts.

There are a number of impacts identified in implementing the Model WHS Regulations. For the benefit of this submission, Water Corporation has commented on the Model WHS Regulations where further clarification is required to then quantify the impact, which is found tabled in attachment 1. The Model WHS Regulations includes a number of comments to 'refer to jurisdictional note' or 'refer to section xx Act'. Where notes are not available, we are unable to quantify the impact.

Water Corporation would recommend that a Regulatory Impact Assessment be undertaken with respect to the Model WHS Regulations. This will provide the State Government and industry with an understanding of the additional resources required to achieve compliance.

ATTACHMENT 1

#	Model WHS Regulation	Clause	Response	Comment
1	3.2 General Workplace Management	Division 4 Regulation 43	Request clarification	<p>This Regulation 'General Workplace Management' requires a 'duty to prepare, maintain and implement emergency plan'. It states 'a workplace must ensure that an emergency plan is prepared for the workplace'.</p> <p>We request clarification on workplace definition in the context 'workplaces' and sites and the 'Duty to prepare, maintain and implement emergency plan'.</p> <p>Water Corporation has thousands of unstaffed sites such as pump stations, are they classified as 'workplaces'?</p>
2	3.2 General Workplace Management	Division 5 Regulation 44	Request clarification	<p>This Regulation is in regards to 'Personal protective equipment' and the provision of personal protective equipment to workers at the workplace by the 'person conducting a business or undertaking' (PCBU) who directs the carrying out of work.</p> <p>We request the definition of a PCBU in regards to the provision of personal protective equipment.</p> <p>In the case of a labour hire, is the responsibility to provide personal protective equipment with the labour hire company or with the host employer?</p>
3	4.7 General Electrical Safety in Workplaces and Energised Electrical Work	Division 1 Regulation 145	Request clarification	<p>This Regulation provides detail on 'General Electrical Safety in Workplaces and Energised Electrical Work' and the 'meaning of electrical installation'.</p> <p>This Regulation does not include <i>assessment</i> of an electrical installation as electrical work, as stated in regulation 4A of the <i>Electrical (Licensing) Regulation 1991 (WA)</i>.</p> <p>We request clarification on which legislation takes precedence in regards to the assessment of an electrical installation as electrical work.</p>
4	4.7 General Electrical Safety in Workplaces and Energised Electrical Work	Division 4 Regulation 161 (5) (b)	Request clarification	<p>This Regulation provides detail on 'General Electrical Safety in Workplaces and Energised Electrical Work' and 'How the work is to be carried out'.</p> <p>We request clarification on the definition of 'no serious risk' in the context of undertaking a risk assessment in regards to electrical work as described in regulation 161 (5)(b).</p>
5	5.1 General duties for Plant and Structures	Division 1 186	Request clarification	<p>This Regulation provides 'General Duties for Plant and Structures'.</p> <p>We request clarification on the definition of 'structure' in Chapter 5. The definitions table in regulation 5 only provides the definition of 'structure' for Chapter 6. What is the definition of 'structure' for Chapter 5, and what are the requirements for structures in regards to Chapter 5?</p>

#	Model WHS Regulation	Clause	Response	Comment
6	5.3 Registration of Plant Designs and Items of Plant	Division 2 Regulation 246 (1)	Request clarification	<p>This Regulation requires 'Registration of Plant Designs and Items of Plant' and the 'items of plant to be registered'.</p> <p>We request clarification on the process to register items of plant and the cost of registration (if applicable).</p> <p>Water Corporation has in excess of 600 items of plant and there will be an administrative and financial impact on the requirement to re-register every 5 years.</p>
7	8.3 Management of Asbestos and Associated Risks	425 (3) (b)	Request clarification	<p>This Regulation is the 'Management of Asbestos and Associated Risks' and the requirement of an 'asbestos register'.</p> <p>The requirement is 'the asbestos register must state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace'.</p> <p>Water Corporation has many assets with no asbestos or ACM. We request clarification on whether assets such as these should be included in the Asbestos register.</p>