



Government of Western Australia
Department of Commerce
WorkSafe

Developments in OSH in WA

The Green Bill

November 2014



Timing

- Green Bill introduced for 3 months consultation ending on 30 January 2015.
- COAG Review of WHS laws currently occurring – report due by 31 December 2014.
- Minister will consider views received during Green Bill consultation and COAG Report – finalise approach mid 2015.
- Development of WA version of the model WHS Regulations.



Will the model WHS Laws be different to our current laws?

- At the higher level – ‘No’
- The model WHS Bill is built around the same concepts as our current OSH Act
 - Primary Duty of Care
 - Risk Management
 - Reasonably Practicable



Will the model WHS Laws be different to our current laws?

- At the detail level – in some instances ‘Yes’
- The model WHS Regulations contain some additional/changed regulatory requirements.



Themes in the model WHS Laws

- Training
- Consultation

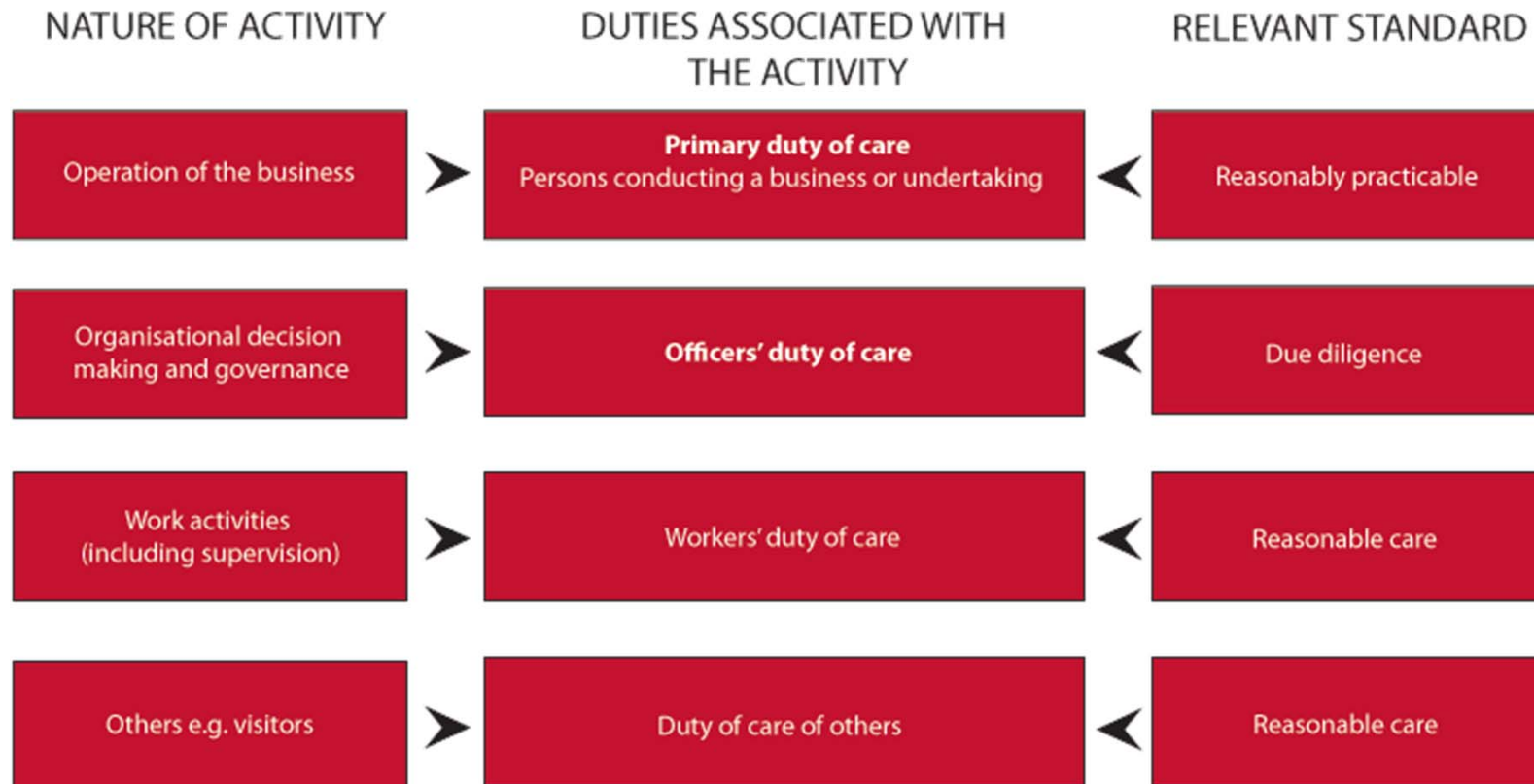


Key terms

- Person conducting business or undertaking
- Worker
- Workplace



Duties Of Care





How has the WA version of the WHS Bill been modified?



Government's Three Issues

- Union Right of Entry covered in Labour Relations laws
- Reverse Onus of Proof in discrimination matters removed.
- Removal of the capacity for Health and Safety Representatives to order cessation of work



General rules for modifications

- Reduce red tape and maintain compliance costs at an acceptable level.

(Ministerial statement – 12 August 2014)

- Keep modification to a minimal amount.



Definition of worker

Modified to exclude -

- Volunteers
- Prisoners



Health and Safety Representatives

- Health and Safety Representatives consistent with OSH Act, including notification processes.
- Removal of Deputy Health and Safety Representatives



Control

- Provision of clarity on control.
- Included an additional provision as per the South Australian version of the WHS Act.



Enforceable Undertakings

- Removed as an option rather than prosecution.
- Still available for the Court to order the making of an Undertaking.



Time Limitations

- Changes to time limitations for the seeking of a review of a notice.
- Changes to the time limitation for the commencement of a prosecution.



Enforcement powers

A variety of changes which retain the current approach –

- No infringement notices
- No remedial action by Regulator
- Improvement and Prohibition notices
- Etc.



What is happening to the model WHS Regulations?



A Modified Version To Be Developed For WA

We will be using the same general rules -

- Reduce red tape and maintain compliance costs at an acceptable level.

(Ministerial statement – 12 August 2014)

- Keep modification to a minimal amount.



The Outcome

The model WHS Laws intend to provide essentially the same outcome as our current laws but there will be some changes even with the WA specific modifications.

Regulations that we have been accustomed to having may not be present in the same form and in some instances those regulations may not be present with content shifted to codes.



The Transition

- Transitional principles have been developed as part of the model WHS laws package.
- Generally, once the laws are in force, where there is a change there is an 'allowance' of time for workplaces to make the change.



Next steps.

- The WA consultation process : submit any comments you have on the Green Bill to WorkSafe.

WHSGreenBill@commerce.wa.gov.au

- Model WHS Regulations process.
- Government to make a decision on the best workplace safety laws for this state.

(Minister Mischin – 23 October 2014)



More Information

WorkSafe WA –

www.worksafe.wa.gov.au

Subscribe to email alerts

Safe Work Australia -

www.safeworkaustralia.gov.au



THE END

(well ... not really ...)