

Comments on the *Work Health and Safety Bill 2014*

Clause (section) of the Model WHS bill	Comment
	Ausdrill supports, in principle, the adoption of the WA WHS Green Bill with the following amendments
195	<p>Enforceable Undertaking</p> <p>Ausdrill disagree with the omission of the option for Work Safe WA to issue an “Enforceable Undertaking” as opposed to prosecution being the only option. An Enforceable Undertaking allows an organisation to spend more time and effort on improving its workplace and safety systems and improve safety outcomes for workers. As opposed to wasting time and money preparing for legal proceedings which do nothing to improve safety outcomes for workers.</p>
232	<p>Limitation period for prosecutions</p> <p>Ausdrill disagrees with extending the limitation period for prosecutions to three years instead of adopting the two year limitation in the Model Workplace Health and Safety Act. Ausdrill believe 2 years is ample time for any investigation in to an incident to be conducted and Work Safe WA to make a decision to proceed with a prosecution or not. Extending the period of time where it is unknown about whether a prosecution with be brought or not creates unnecessarily prolonged stress for all those involved include the families of workers. It can also lead to delays in investment due to uncertainty. In the event of a prosecution, where much of the detail is kept under legal professional privilege, three years is too long for the findings of an investigation to be made public, as these could assist to prevent similar incidents in other workplaces.</p>
28	<p>Duties of Workers</p> <p>Ausdrill disagrees that duties of workers to report “any situation at the workplace that the employee has reason to believe could constitute a hazard” and “any injury or harm to health which he or she is aware of that arises in the course of, or in connection with, his or her work” to their employer contained in the current WA legislation have been removed.</p>
	<p>Consistency with Mining Legislation</p> <p>Ausdrill believes it is important to ensure that the requirements of the Workplace Health and Safety Legislation are consistent with the requirements of the resources safety legislation, to avoid confusing workers that move between mining and non-mining workplaces as to which legislated safety requirements apply at which site(s). This will also reduce red tape for contractors that are required to train workers on the idiosyncrasies that apply on different sites.</p>