

## Construction Contractors Association of Western Australia

### CCAWA Comments on the *Work Health and Safety Bill 2014*

Clause (section) of the Model WHS Bill	Comment
<b>General</b>	<p>CCAWA supports Australian workers being entitled to the same work health and safety standards wherever they work and agrees with harmonising safety legislation.</p> <p>CCAWA supports the “reasonably practicable” approach in managing risk and the approach that provides that if a person does not have direct control of a particular risk to health and safety, the extent to which they must eliminate or minimise the risk depends on the extent to which that person has the capacity to influence and control the risk.</p> <p>CCAWA supports the clarification of the role of both the principal contractor and the person conducting a business or undertaking.</p>
<b>Clause 85</b>	<p>CCAWA supports the removal of this clause from the Model Work Health and Safety Act. CCAWA believes that any worker can stop work if they feel it is unsafe and there is no need to put a new function and responsibility on Health and Safety Representatives.</p>
<b>Part 7</b>	<p>CCAWA supports the removal of this part from the Model Work Health and Safety Act. CCAWA believes that WA Industrial Relations legislation should be the place to detail workplace right of entry provisions.</p>
<b>Clause 110</b>	<p>CCAWA supports the removal of this clause from the Model Work Health and Safety Act. CCAWA believes that a reverse onus of proof in discrimination matters would be a burden on employers without improving health and safety outcomes.</p>
<b>Clauses 31-33</b>	<p>CCAWA does not support the penalties defined in these clauses.</p> <p>CCAWA does not believe that such a significant increase in penalties from those in the existing WA legislation will proportionally deter poor health and safety practices.</p> <p>CCAWA proposes that a phased approach to increasing penalties over time is more appropriate given the significant changes proposed in the Bill.</p>
<p><b>Other</b></p> <p>Model Work Health and Safety Regulations (2014)</p> <p>Sections 292, 293, 309</p>	<p>At this time, CCAWA would also like to provide comment on the Model Work Health and Safety Regulations (2014).</p> <p>CCAWA would like to request that should WA intend to adopt these Regulations, WorkSafe ensures that there is a period of significant consultation with both small and large construction companies and their representative bodies.</p> <p>CCAWA believes this is particularly important for sections 292, 293 and 309, where adopting the Model Regulations will result in a change to the threshold for defining a construction project under the existing WA legislation. This includes:</p> <ul style="list-style-type: none"> <li>- Section 292 – The meaning of a construction project</li> <li>- Section 293 – The meaning of a principal contractor</li> <li>- Section 309 – The duty of a principal contractor to prepare a written Work Health and Safety Management Plan</li> </ul>