

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

Clause (section) of the Model WHS bill	Comment
<b>Duty of Officers</b>	The definition has significantly expanded those that were previously captured by it. The outcome of this will be an anticipated increase in red tape and cost for business, without demonstrable benefit.
<b>Definition of ' person conducting a business or undertaking'</b>	The definition has significantly expanded those that were previously captured by it. The outcome of this will be an anticipated increase in red tape and cost for business, without demonstrable benefit.
<b>Inspector's power to seize dangerous workplaces and things &amp; Powers supporting seizure</b>	<p><i><b>Inspector's power to seize dangerous workplaces and things.</b> This section applies if an inspector who enters a workplace under this Part reasonably believes that:</i></p> <p><i>(a) the workplace or part of the workplace; or</i></p> <p><i>(b) plant at the workplace; or</i></p> <p><i>(c) <b>a substance</b> at the workplace or part of the workplace; or</i></p> <p><i>(d) a structure at a workplace, is defective or hazardous to a degree <b>( which is) likely to cause serious injury or illness or a dangerous incident to occur.</b></i></p> <p><i>The inspector may seize the workplace or part, the plant, the substance or the structure.</i></p> <p>Would this not empower an inspector to seize a dangerous good that is legitimately and safely produced?</p>
<b>Work Health and Safety Bill 2014</b>	Different states are taking up different parts of the Act and so it is not nationally consistent. This is in conflict with the objective of National Harmonisation.
<b>Health and safety representative may direct that unsafe work ceases</b>	Agreed that this clause (85) can be deleted.
<b>What is discriminatory conduct, Order for compensation or reinstatement &amp; Civil proceedings in relation to engaging in or inducing discriminatory or coercive conduct</b>	Would 'discriminatory conduct' not be better retained and managed within the current industrial law framework. Surely it is not proposed that it be retained in both.
<b>Management of risks</b>	The new definition captures the actual worker to a much greater extent than it currently does. Is this really the desired outcome?