

Comments on the *Work Health and Safety Bill 2014*

Clause (section) of the Model WHS bill	Comment
17(2)	<p>We support the insertion of this sub-clause on the grounds that a PCBU which employs, engages or hosts a 'labour hire' worker can only control risk where it has the effective capacity to influence and control that risk.</p> <p>The term 'matter' may benefit from greater clarity. Does 'matter' refer to the risk, a work practice or other?</p>
105(1)(d)	<p>We support the removal of the 'discriminatory conduct' provision which applies to non-employees on the grounds that commercial relationships should not be governed by the Act in such a manner. The capacity of a hiring PCBU to differentiate its conduct from substantial WHS non-compliance and other commercial terms should override the select circumstances where this provision would be relied upon by provider of a contract for services.</p>
Part 7	<p>We support the removal of powers of permit holders, outside of the inspectorate, to enter a workplace and issue notices so long as there is an appropriately funded inspectorate which can undertake this important enforcement function.</p>
Part 11	<p>We strongly support the retention of enforceable undertakings as an alternative to prosecution.</p>