

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

Clause (section) of the Model WHS bill	Comment
<b>Section 4 – Definitions</b>	It would be useful to incorporate guiding principles or criteria to assist the 3 <sup>rd</sup> party when making their assessment of what is “ <i>reasonably practicable</i> ’. Assessments may be made by persons inexperienced in the industry sector in question and some requirement to seek information in regard to that industry sector assisted by against guidelines/criteria should give improved confidence to the PCUB being assessed.
<b>Sections 13-15 - Duties</b>	support this section as written but seek inclusion of a provision for a defence in any prosecution for an owner to present they have taken all reasonable steps to work implement and participate in a fair and effective workplace representation, consultation, co-operation and issue resolution in relation to work health and safety.
<b>Sections 35 – Notification of Incidents</b>	A provision is required allowing a PCUB to demonstrate exceptional circumstances that may prevent the PCUB from notifying the regulator immediately on becoming aware of the incident (eg a fishing vessel fire with loss of communication systems)
<b>Part 5, Div3 - Representation</b>	<p>To request an election for health and safety representation should come from no less than 5 employees rather than just one (1).</p> <p>To establish a health and safety committee a request should come from no less than 10 employees rather than 5.</p> <p>The proposed numbers in the ‘green bill’ allow to much power to a single person or small group of employees – especially in small discreet businesses.</p>
<b>Section 232 – Legal Proceedings</b>	Need to establish a statute of limitations on legal proceedings. Continuous threat of legal proceedings with no end point is unacceptable.
<b>Section 274 - Codes of Practice</b>	The fishing industry proposes this section remove reference to unions and employer organisations and includes ‘employees and employers’.

