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Submission on WHS Model Regulations and Codes of Practice

The following comments are on behalf of UWA Safety and Health and ECU Work Health and Safety.

1. Diving work

New or changed requirements under the model WHS Regulations:

“High risk diving work”(i.e. construction diving)AND “general diving work” and are regulated and a range of duties are imposed on the person conducting the business or undertaking. For general diving work, the duties include minimum training and experience for divers, appointment of a competent person to supervise diving work and keeping of dive safety logs. **[Part 4.8]**

Comment:

It would be helpful if the competency requirements for Scientific Divers for both Supervising Divers and Divers undertaking scientific diving (including students in training) are well defined and include the recognition of qualifications other than the Australian Diver Accreditation Scheme (ADAS).

2. Incident notification

New or changed requirements under the model WHS Regulations:

Persons in control of a business or undertaking are required to notify any infection to which the carrying out of work is a significant contributing factor, including **any infection that is reliably attributable** to:

- carrying out work with micro-organisms;
- providing treatment or care to a person;
- contact with human blood/body substances; or
- involves handling or contact with animals and certain aspects of animals.

[Reg. 699(a)]

Comment:

Section 36 of the Act greatly increases the types of serious injury or illness that require notification. It is assumed that volunteer sporting activities (e.g. by students and not involving a work activity) would not require reporting. It is assumed that a serious injury or illness to an undergraduate student or a post graduate student (the latter more likely being a worker) would require notification. It would be helpful if there was more guidance on work related illness reporting requirements, such as confirmed illnesses as listed by the Health Department of Western Australia Notifiable Communicable Diseases: http://www.public.health.wa.gov.au/3/284/3/notifiable_comm.pm

3. Noise

New or changed requirements under the model WHS Regulations:

Audiometric testing **applies** in relation to a worker who is **frequently required** by the person conducting the business or undertaking to use personal protective equipment to protect from the risk of hearing loss associated with noise that exceeds the exposure standard for noise. Testing required at commencement of employment and two yearly thereafter. [Reg. 58]

Comment:

The exposure standard for noise is defined in the WHS Regulation 56 as an LAeq,8h of 85 dB(A) or an LC,peak of 140 dB(C). What would be the resolution process should a worker refuse or not cooperate with initial or ongoing audiometric testing? There are workplaces where hearing protection is worn routinely (frequently) even for exposures well below the exposure standards for noise. In these circumstances it is expected that audiometric testing would not be legally required. However it would still be a good practice to conduct initial baseline testing of new employees who will regularly work in machining workshops or in plant areas.

4. Plant: import

New or changed requirements under the model WHS Regulations:

Importers of plant have a duty to take all reasonable steps to obtain information on the purpose for which they were designed and conditions necessary to ensure they are without risks when used. Importers must also ensure that the plant is inspected, tested (where required) and, if hazards are identified, the plant is not supplied until the risks have been eliminated as far as reasonably practicable or where this is not possible, advise people who are supplied with the plant of the risks. They must also consult the designer and manufacturer in relation to any alterations made to control risks. [Regs 196 & 197]

However, importer is defined as per the Model WHS Act and, under this **import is defined** (s4) as "means to **bring into the jurisdiction** from outside Australia".

Comment:

This will apply to the import of plant for research purposes and is supported.

Thank you for the opportunity to comment. Please advise if you require any further information.

Yours faithfully

Michael Rafferty
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