



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

# Submission templates - Work Health and Safety Regulations for Western Australia

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# WHS Regulations submission coversheet

## Section 1: Submission details

Full name

Kathy Maher

Organisation and position (if applicable)

WA Department of Finance

Email

[REDACTED]

Telephone

[REDACTED]

Employment status (if applicable)

Worker

Employer

Self-employed

Other (enter details)

Principal contractor

Contractor

OSH professional

Size of workplace

Small (0-9)

Medium (20-199)

Large (200+)

Please indicate in what capacity you are making this submission (select one of the following categories)

Individual

Business

Community organisation

Employer organisation

Other (enter details)

Industry representative

Academic

Government representative

Professional

Which industry sector do you operate in?

Building and Construction

Your type of job or business (if applicable)

**Building Research and Technical Services, Building Management and Works**

## Section 1: Permission details

### Internet publication

Public submissions may be published in full on the website, including any personal information of authors and/or other third parties **contained in the submission**.

Please tick this box if you wish for your input to remain confidential (that is, you **do not consent** to having your input published on the internet)

### Anonymity

Please tick this box if you wish for your input to be treated as anonymous (that is, you **do not consent** to having your name, or the name of your organisation, published on the internet with your input)

### Third party personal information

Please tick this box **if your input contains personal information of third party individuals**, and strike out the statement that is not applicable in the following sentence:

The third party **consents / does not consent** to the publication of their information.

## WHS Regulations submission comments

Enter your comments on specific regulations in the table below. You may add new rows at the end of the table if you wish to include comments on other aspects of the national model WHS regulations.

When making your submission, please consider providing specific responses to the following issue:

1. What is the benefit to workplace participants of a proposal?
2. What is the likely cost for you, your business and the Regulator to implement a specific proposal?
3. Is a specific recommendation likely to be effective in achieving healthier and safer workplaces?
4. Are there any unintended consequences of adopting individual regulations in the model WHS regulations?
5. If a new requirement is proposed by the model WHS regulations, what are the costs and benefits?

This template can be used for providing your views concerning:

- National Model Work Health and Safety Regulations
- Demolition licensing under the OSH regulations
- Commercial driver fatigue under the OSH regulations
- Protection from tobacco smoke under the OSH regulations
- Proposed deletions in Western Australia to remove overlap with the *Dangerous Goods Safety Act 2004*

## Section 2: Feedback

### Track-changed document submission

- Which consultation document(s) are you providing feedback on?
- Differences between the national model WHS regulations and the OSH regulations 1996
  - Consultation document WHS (Mines) Regulations for WA
  - Consultation document WHS (Petroleum and Geothermal Energy Operations) Regulations for WA
  - Proposed deletions in WA to remove overlap with the Dangerous Goods Safety Act 2004*
  - Commercial vehicle drivers: Hours of work – Work Health and Safety Regulations for WA
  - Protection from tobacco smoke – Work Health and Safety Regulations for WA
  - Demolition work: Licence – Work Health and Safety Regulations for WA

Number of pages in  
your submission

Does this submission contain a **track-changed version** of the  
draft proposal?

Yes

No

*If yes, submit as a Microsoft Word compatible document (\*.docx)*

#### General comments

## Detailed comments

If commenting on specific content, you may wish to use the table below.

Reference to specific model WHS / OSH reg no.	Comment
<p>Safe Work Australia <i>Model WHS Regulations</i> (15.1.2019) – Pt 7.2, Div 1, Regulation 392 (h), (i), (m) and (o)</p> <p>WA OSH Reg 1996 Pt 5, Div 4, Subdiv2, 5.53 (f),(m) and (n)</p> <p>Review in light of changes to AS/NZS 4361.2:2017</p>	<p>In December 2017, the <i>Australian Standard AS 4361.2 1998 Guide to Lead Paint Management preventing Lead Poisoning in Australia</i> was superseded by a new standard in two parts:  <i>AS/NZS 4361.1:2017 Guide to hazardous paint management, Part 1: Lead and other hazardous metallic pigments in industrial applications</i>  <i>AS/NZS 4361.2:2017 Guide to hazardous paint management, Part 2: Lead paint in residential, public and commercial buildings</i></p> <p>My particular comment relates to the second part of the new standard, but I suggest that changes resulting from both parts of the new Australian Standard may require revision of the <i>Safe Work Australia Model WHS Regulations and the WA WHS Regulations</i>.</p> <p><i>AS/NZS 4361.2:2017 Guide to hazardous paint management, Part 2: Lead paint in residential, public and commercial buildings</i>, was published for management of lead paint in buildings and saw a major change in the safe concentration standard, which was <b>reduced from 1.0% lead down to 0.1%</b>.</p> <p>The Standard now reflects the paint manufacturing definition of lead-free which has been 0.1% concentration since 1997.</p> <p>The Standard is recommended but is not binding unless referenced contractually or via legislation/regulations.</p> <p>Currently the <i>Safe Work Australia Model WHS Regulations (15.1.2019) – Pt 7.2, Div 1, Regulation 392 (h), (i), (m) and (o)</i> reference paint containing more than <b>1%</b> by dry weight of lead.</p> <p>Given the new Australian Standard, will the Regulations be revised to provide consistency and reflect this 10 fold decrease in safe concentration level of lead in paint?</p> <p>More information can be found at:  <a href="https://www.ehasa.org.au/news/technical-bulletin-changes-to-asnz-4361-hazardous-paint-management">https://www.ehasa.org.au/news/technical-bulletin-changes-to-asnz-4361-hazardous-paint-management</a></p>