



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	Caron Julie Passmore		
Organisation and position (if applicable)			
Email	[REDACTED]		
Telephone			
Employment status (if applicable)	<input checked="" type="checkbox"/> Worker	<input type="checkbox"/> Principal contractor	
	<input type="checkbox"/> Employer	<input type="checkbox"/> Contractor	
	<input type="checkbox"/> Self-employed	<input type="checkbox"/> OSH professional	
	<input type="checkbox"/> Other (enter details)		
Size of workplace	<input type="checkbox"/> Small (0-9)	<input type="checkbox"/> Medium (20-199)	<input checked="" type="checkbox"/> Large (200+)
Please indicate in what capacity you are making this submission (select one of the following categories)	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Industry representative	
	<input type="checkbox"/> Business	<input type="checkbox"/> Academic	
	<input type="checkbox"/> Community organisation	<input type="checkbox"/> Government representative	
	<input type="checkbox"/> Employer organisation	<input type="checkbox"/> Professional	
	<input type="checkbox"/> Other (enter details)		
Which industry sector do you operate in?	Vocational Education		
Your type of job or business (if applicable)	Lecturer		

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

1. Confined space definition (r. 5). The definition in the model WHS regulations excludes “a mine shaft or the workings of a mine” from the definition of confined space. Stakeholder comment is requested as to whether it is appropriate to limit the exclusion to “underground mines”.

My Comment

In 2017 there were 9 fatalities in the mining industry, an increase on 2016 of 6 people. This is a threefold increase in fatalities which is totally unacceptable.

Table 3: Worker fatalities: number of fatalities and fatality rates by industry of employer, 2017, 2018 and five year average (2014 to 2018) (sorted by five year average fatality rate)

Industry of employer	Number of fatalities			Fatality rates		
	2017	2018	5yr average	2017	2018	5yr average
Agriculture, forestry & fishing	53	37	47	16.8	11.2	14.9
Transport, postal & warehousing	52	38	45	8.3	5.9	7.3
Mining	3	9	8	1.4	3.7	3.4
Electricity, gas, water & waste services	2	3	4	1.5	2.0	2.9
Construction	30	24	31	2.7	2.0	2.9
Arts & recreation services	8	2	6	3.5	0.8	2.9
Administrative & support services	2	3	5	0.5	0.7	1.3
Manufacturing	6	13	12	0.7	1.4	1.3
Other Services	3	2	4	0.6	0.4	0.9
Wholesale trade	6	3	3	1.6	0.8	0.9
Rental, hiring & real estate services	2	2	1	1	0.9	0.7
Public administration & safety	5	3	5	0.6	0.4	0.7
Accommodation & food services	5	1	3	0.6	0.1	0.4
Information media & telecommunications	0	2	1	0	0.9	0.4
Health care & social assistance	4	1	3	0.2	0.1	0.2
Retail trade	4	0	2	0.3	0	0.2
Education & training	1	1	1	0.1	0.1	0.1
Financial & insurance services	2	0	0	0.5	0	0.1
Professional, scientific & technical services	1	0	1	0.1	0	0.1
Total	189	144	186	1.5	1.1	1.5

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<https://www.australia.gov.au/directories/australia/safeworkaustralia>

Given the increase in fatalities in this period I believe that the mining industry has not demonstrated that they are taking the safety of their workers seriously and that this means that they should not be eligible for any exclusions under this new legislation at all.

As members of the government body responsible for the safety of workers in Western Australia you need to ensure that each and every decision that you make is based on

protecting workers so that they can return safely home after each shift. Please base your decision on this premise.

2. In relation to tree lopping, r. 221 of the model WHS regulations provides an exception for a person in a harness to be placed in a tree. This procedure is not currently permitted under r. 4.53(2) of the OSH regulations. Should r. 221 of the model WHS regulations be adopted in Western Australia?

My Comment

In 2018 37 workers died whilst working in the agriculture, forestry and fishing industries. This is 37 people too many and is unacceptable.

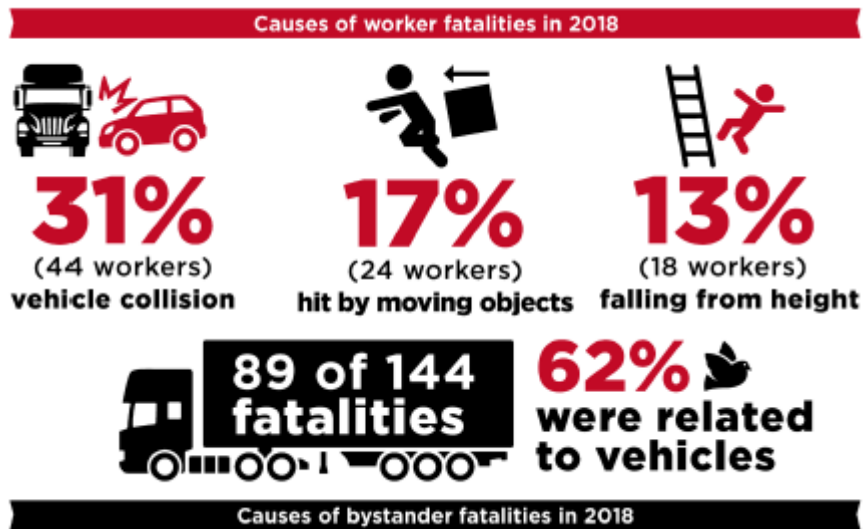


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<https://www.australia.gov.au/directories/australia/safeworkaustralia>

As members of the government body responsible for the safety of workers in Western Australia you need to ensure that each and every decision that you make is based on protecting workers so that they can return safely home after each shift. Please base your decision on this premise.

3. R. 244(3) of the model WHS regulations exempts tower and gantry cranes from design registration if the cranes are moved to a new location. R. 4.2 of the OSH regulations currently requires the registration of the cranes and their supporting structure if moved to a new location. Should r. 4.2 of the OSH regulations be adopted?



<https://www.australia.gov.au/directories/australia/safeworkaustralia>

My Comment

In 2018 89 the deaths of workers were in some way related to vehicles. This is 89 people too many and is unacceptable.

As members of the government body responsible for the safety of workers in Western Australia you need to ensure that each and every decision that you make is based on protecting workers so that they can return safely home after each shift. Please base your decision on this premise.

4. R. 376 of the model WHS regulations places a duty on the PCBU to provide a copy of the health monitoring report to the regulator. Under, r. 5.24 of the OSH regulations, the duty to provide the health monitoring report to the WorkSafe Western Australia Commission is on the appointed medical practitioner who prepared the report, if the results indicate exposure. Should r. 5.24 of the OSH regulations be adopted?

My Comment

R.376 should be adopted as it makes the reporting process accountable and transparent which is always going to mean that workers will be safer.

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5. R. 320 of the model WHS regulations prescribe the content of the general construction induction training (CIT) card. Should there be a requirement that photographic identification is required on the CIT card?

My Comment

Yes, there should be a requirement that photographic identification is required on the CIT card as this will ensure that only those who are properly trained and qualified are able to work on a site.

As members of the government body responsible for the safety of workers in Western Australia you need to ensure that each and every decision that you make is based on protecting workers so that they can return safely home after each shift. Please base your decision on this premise.

6. R. 425 of the model WHS regulations requires a person with management or control of a workplace to ensure that an asbestos register is prepared and kept at the workplace. Should the WHS regulations for Western Australia prescribe that an asbestos register is created by a competent person?

My Comment

This depends on how you are going to define a competent person and what checks and balances are put in place. Also who will be responsible/culpable if there is an error and what are the proposed levels of oversight?

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7. The model WHS regulations, Chapter 8 in particular, include requirements relating to the management of asbestos. Should the WHS regulations for Western Australia prescribe specific competencies for asbestos related tasks?

My Comment



<https://gards.org/asbestos-related-disease-facts-and-figures-australia-2018/>

The statistics above indicate the importance of managing asbestos properly and there is no excuse for not doing so. Furthermore:-

Diseases caused by exposure to asbestos are claiming many lives and affecting many families around the world, every day of the year, in numbers that rival the worst epidemic proportions.

- 1. Exposure to Asbestos dust is responsible for more deaths than any other single work-related cause in Australia**
- 2. Over 2,600 deaths in 2008 due to the past inhalation of Asbestos fibres**
- 3. ADSA estimates that 50,000 more will die by 2025 from preventable Asbestos Diseases.**
- 4. Top 5 Contributors to Asbestos Diseases in Australia**
 - 1. James Hardie & Coy Pty Ltd**
 - 2. CSR – Colonial Sugar Refinery Limited**
 - 3. Wunderlich Limited**
 - 4. Micalco Pty Ltd formerly known as Australian Blue Asbestos Pty Ltd**
 - 5. Asbestos Mines Pty Ltd**

<https://www.asbestosdiseases.org.au/asbestos-info/asbestos-in-the-community/>

As members of the government body responsible for the safety of workers in Western Australia you need to ensure that each and every decision that you make is based on protecting workers so that they can return safely home after each shift. Please base your decision on this premise.

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>There will be submissions from other organizations and specialists in the field that will reference the regulations. Indeed as professionals in this field yourselves I am sure that you are already aware of those that are required to ensure the safety of workers in Western Australia.</p> <p>You will note that I have repeated the same comment in each section as I want to ensure that there is no confusion about my comments. I expect that the WA Government, businesses and relevant Government Departments will take this opportunity to change the WHS/OHS laws for the better so that the workers of Western Australia, in all industries, are safe.</p> <p>Thank you for the opportunity to contribute and I wish you well in your quest to improve the lives of thousands of people, now and in the future.</p>