Australian Government

Department of Defence

Reference: ASWHS/OUT/2018/282

Ms Jacki Shephard
Review Convenor
Safe Work Australia

Dear Ms Shephard

DEFENCE SUBMISSION – SAFE WORK AUSTRALIA CONSULTATION REGULATORY IMPACT STATEMENT FOR THE WORKPLACE EXPOSURE STANDARDS UNDER THE MODEL WORK HEALTH AND SAFETY LEGISLATION

Please find enclosed a submission on behalf of the Department of Defence for your consideration in support of the Safe Work Australia consultation regulatory impact statement for the workplace exposure standards under the model work health and safety legislation.

The Department of Defence supports option two outlined in the regulatory impact statement which proposes to keep the workplace exposure standards legally enforceable under work health and safety legislation and streamline the review process used to keep workplace exposure standards current. The agile regulatory framework described in option two will allow Defence to better protect its personnel.

Should you require any further information about Defence's submission, please contact [redacted] Acting Director Occupational Health and Hygiene on [redacted] or email [redacted]

[redacted]

Michael Howell
Acting Assistant Secretary
Work Health and Safety

17 September 2018

Enclosure:

1. Department of Defence Submission for the 2018 Regulatory Impact Statement for Workplace Exposure Standards under the Model Work Health and Safety Legislation

Australian Government

Department of Defence

Department of Defence Submission for the 2018 Regulatory Impact Statement for Workplace Exposure Standards under the Model Work Health and Safety Legislation

Are there any particular issues that make it difficult for you to comply with the workplace exposure standards? Please provide examples.

The workplace exposure standards are typically based on the findings of exposure studies undertaken in industries involved in production and/or manufacturing. These industries may not be comparable to the types of operations and worker exposures that occur in the Defence context. This also leads to the development of workplace exposure standards for eight hour shifts. The eight hour time weighted average is irrelevant in most exposure settings as this is no longer the duration of a 'standard' working day.

Are there any practical issues to consider in relation to any of the proposed options? Please provide examples.

If *Regulation 49 - Monitoring airborne contaminant levels* under the *Work Health and Safety Regulations 2011* is removed without any other mitigating requirements, it is likely to result in decreasing compliance with the workplace exposure standards. Government procurement will not respond to option three proposed in the regulatory impact statement as it is not a 'must' requirement. There is the potential for advisory (i.e. 'should') requirements to be discounted as they are not legally mandated. As a result, they may not be seriously considered in contracted requirements and bargained away in the contract negotiation processes during military procurements. This could potentially place Defence personnel at greater risk of exposure to hazardous materials or substances that exceed the advisory standards and result in adverse health outcomes.

Please provide details of the types of costs that are incurred by your organisation when a workplace exposure standards value is updated. For example, do you update any policies or procedures to reflect changes in the workplace exposure standards value?

The costs incurred include the requirement to implement the hierarchy of controls and could be relatively minor i.e. update policy (which pre supposes resources available for this purpose) to more expensive engineering controls. Other costs could include those associate with:

- Ongoing measurement and monitoring of workplace;
- Health monitoring;
- Personal Protective Equipment procurement / maintenance; and
- Time lost for training, education, implementation of controls.