

Consultation RIS – Recommendations of the 2018 Review of the model WHS laws

Safe Work Method Statements (Recommendation 29 a & b)

- hazardous work involving noise, hazardous manual tasks, confined spaces, falls, work requiring a high-risk work licence, demolition work, electrical safety and energised electrical work and diving work (Chapter 4)

below is the initial email I sent regarding this. As far as I can see this has not really been addressed, SWMS are promoted but we really need to have more protection for Confined Space workers.

I will state my example again:

If a CS worker was affected by the work performed in a Confined Space, the symptoms may not be apparent until a few days later -Pulmonary Oedema for example-; they approach their employer for a copy of the CS permit only to find that the employer has disposed of it. Where is the evidence that the workers symptoms are a result of the CS work?

My name is Steve Brown, owner of Australasian Fire & Safety, I am writing to our clients who have attended our Confined Space training courses.

During the course we discuss the confined Space entry permit highlighting an issue I want to address with our Governor General in the hope that we can have changes made to the WHS Regulations 2012 (SA). The section in question is:

Work Health and Safety Regulations 2012—1.1.2013

Chapter 4—Hazardous work

Part 3—Confined spaces

Division 3—Duties of person conducting business or undertaking

77—Confined space entry permit and risk assessment must be kept

(2) Subject to subregulation (3), the person must keep—

(b) a copy of the confined space entry permit at least until the work to which it relates is completed.

Full excerpt at end of email.

During my career I have always been under the impression that most permits should be kept for 3, 5 or 7 years, this does tend to vary dependant on the industry concerned, the issue as I see it, is that, according to the above excerpt a Confined Space permit can be disposed of once the work to which it relates is complete, it also states that it must be kept for two years if there has been a notifiable incident.

A this offers no protection to any worker carrying out confined Space work as there may be no evidence that the said work had actually been carried out.

B a notifiable incident, especially one involving any hazardous substance may not present itself until a few days have passed, by which time there may be no permit to prove that was where/when the worker was exposed.

The WHS Act and regulations are in place to protect all members of the workforce, this option of disposal in my opinion is very wrong.

77—Confined space entry permit and risk assessment must be kept

(1) This regulation applies if a person conducting a business or undertaking—

- (a) prepares a risk assessment under regulation 66; or
- (b) issues a confined space entry permit under regulation 67.

(2) Subject to subregulation (3), the person must keep—

- (a) a copy of the risk assessment until at least 28 days after the work to which it relates is completed; and
- (b) a copy of the confined space entry permit at least until the work to which it relates is completed.

Maximum penalty:

- (a) In the case of an individual—\$1 250.
- (b) In the case of a body corporate—\$6 000.

Expiation fee:

- (a) In the case of an individual—\$144.
- (b) In the case of a body corporate—\$720.

(3) If a notifiable incident occurs in connection with the work to which the assessment or permit relates, the person must keep the copy of the assessment or permit (as applicable) for at least 2 years after the incident occurs.

Maximum penalty:

- (a) In the case of an individual—\$1 250.
- (b) In the case of a body corporate—\$6 000.

Expiation fee:

- (a) In the case of an individual—\$144.
- (b) In the case of a body corporate—\$720.

(4) The person must ensure that, for the period for which the assessment or permit must be kept under this regulation, a copy is available for inspection under the Act.

Maximum penalty:

- (a) In the case of an individual—\$1 250.
- (b) In the case of a body corporate—\$6 000.

Expiation fee:

- (a) In the case of an individual—\$144.
- (b) In the case of a body corporate—\$720.

(5) The person must ensure that, for the period for which the assessment or permit must be kept under this regulation, a copy is available to any relevant worker on request.

Maximum penalty:

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- (a) In the case of an individual—\$3 600.
- (b) In the case of a body corporate—\$18 000.

Expiation fee:

- (a) In the case of an individual—\$432.
- (b) In the case of a body corporate—\$2 160.

Regards,



Company Director

Date 20th April 2017