Consultation RIS – 2018 Review Recommendations Submission template

What is your name? Ken F

Psychosocial risks (Recommendation 2)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Our organisation deals with members of the public on a daily basis. Some of these dealings involve negative feelings towards our staff and confrontation, whilst we have systems in place there is it is impossible to create a psychologically safe workplace due to the nature of our current society

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

The risks are known by our organisation, if we are to engage with the community we serve who believe its ok to abuse and threaten our staff whilst at the same time not having the protections that other compliance/enforcement agencies have how do we comply with the legislation?
We have to engage with our external stakeholders and we do not have the resources available to address these threats unlike state based enforcement agencie.

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- Is the state of knowledge on psychosocial hazards, risks and control measures widely accepted and well established? Please support your answer with evidence.

Type answer here

- Do you have suggestions for what prescriptive psychosocial regulations might look like?

Type answer here

Work Groups and HSRs in small businesses (Recommendation 7a)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Type answer here

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your

suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- If you are part of a business with 15 or fewer workers, are workers in that business represented by HSRs? If so, how many workgroups, HSRs and deputy HSRs are there?

Type answer here

- If you are part of business or undertaking with 15 or fewer workers, would a default position of one work group, an HSR and a deputy HSR suit your workplace? Please provide evidence of the costs and benefits of the default position at your workplace.

Type answer here

Workplace entry by HSR assistants (Recommendation 8)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Union officials still do not understand the harmonised legislation and are still using WHS as an IR tool!

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Only fully qualified safety professionals from the union organisations should be permitted to enter premises or support HSR's under this act.

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

Cancelling a Provisional Improvement Notice (Recommendation 9)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Type answer here

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

Choice of HSR training course (Recommendation 10)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings? What do you consider to be the cause and extent of disagreement over HSR training?

HSR training needs to be relevant and balanced

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

No impact as our workforce don't have HSR's appointed /elected

- Do you have suggestions for other options to address the problems identified in the 2018 Review? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

HSR's should not be tied to the union movement – they should be independent

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- What do you consider as the main cause of disagreements over HSR training? How often do these disagreements occur, and to what extent do they affect you, your workplace or your stakeholders?

Type answer here

Referral of disputes (Recommendation 13)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Type answer here

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- If Option 2 is adopted, would you seek to refer issues that are not resolved under s 82 or 89 of the model WHS Act to a court or tribunal? Please explain why.

Type answer here

WHS entry permit holders – prior notice of entry (Recommendation 15)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent? In your experience, is the extent of the problem different across industry sectors?

Union permit holders have not had any WHS impact since the model legislation has been introduced as witnessed by the numbers of workplace injuries occurring.

- What practical impact, including the costs and benefits, would requiring or not requiring a WHS entry permit holder to provide prior notice of entry have on you, your organisation or your stakeholders? Do you think the impacts would be different across industry sectors? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Status quo 24 hours notice – strict requirements regarding purpose of entry must be qualified in WHS

Inspectors' powers (Recommendation 17)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings outlined above?

Status quo – recent experience with an inspector from the state regulator leads me to believe that some inspectors still misunderstand their powers. They should be skilled enough investigators to be able to obtain the evidence in an efficient manner

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- If Option 2 is adopted, should exercise of the power within 30-days after entry by an inspector be limited to only obtaining information that is related to the reason that inspector first entered the workplace?

Type answer here

The Category 1 offence and industrial manslaughter (Recommendation 23a & b)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Industrial manslaughter is not required it adds no value to WHS improvement. There is already provisions under the Category 1 offences and under the various Crimes acts

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

- Do you have suggestions for other options to address the problems identified in the 2018 Review? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- What do you see as the main limitations of the model WHS laws in deterring breaches of the health and safety duties?

Type answer here

- What benefits and costs are associated with Category 1 offence including two alternative fault elements? If available, please provide evidence of these costs and benefits.

Type answer here

- What do you consider the practical impacts of industrial manslaughter to be for you, your business and your stakeholders? What need, if any, would they address? Please provide evidence of how an industrial manslaughter offence would address this need.

Type answer here

Prohibit insurance for WHS fines (Recommendation 26)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

We are currently protected

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

I prefer option 2 as the WHS Act is partially a Criminal Code and should be treated as such

- In your experience, how common are insurance policies or arrangements that provide indemnity for breach of the WHS laws? Please support your answer with evidence.

Type answer here

- Do you consider that health and safety is affected by the availability of these arrangements? How?

Type answer here

The risk management process (Recommendation 27)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Type answer here

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

Safe Work Method Statements (Recommendation 29a & b)

- How are you, your organisation or your stakeholders affected by the problems identified in the 2018 Review findings, and to what extent?

Safe Work Method Statements are being misused across industries and by the regulators.
They were developed as a tool for the construction industry but now people think that by having a SWMS they are fore filling their obligations

- What practical impact, including the costs and benefits, would the options set out in this Consultation RIS have on you, your organisation or your stakeholders? Please provide evidence of the impacts wherever possible.

As above regulators expect a new SWMS for every task every day! We grade rural roads, we maintain parks near roads and we repair urban roads. Under the current beliefs in NSW this requires SWMS's to be filled every day by every team! This is ridiculous! It is time wasting and does not add value! I know of organisations like our who have over 400 SWMS's including safely lifting a wheel barrow into a ute! I have asked contractors how they are managing their safety on an office roof, their response " we have our swms" they had no work at height gear etc

- Do you have suggestions for other options to address the problems identified in the 2018 Review findings? Please provide information and evidence on the impacts of your suggested option, including how it would improve the WHS outcomes or reduce compliance costs.

Remove the mandatory SWMS requirements. Suggest that SWMS are a tool that assist with the management of WHS at task level, but ensure it's the corrective measures that are contained within the SWMS that ensure workplace safety – not the SWMS it self!

- What is your preferred option and why will it be best for you, your organisation and your stakeholders?

Type answer here

- Do you already have systems in place for developing customised (workplace specific) SWMS?

Yes

- What barriers may prevent you using an online SWMS tool in your workplace?

We already have an on line system

- Does your business derive an income from developing SWMS? If so, do you expect to incur a financial loss if Safe Work Australia develop an on-line interactive tool to assist in developing SWMS? Can you predict the extent of this loss?

Type answer here

Appendix A – Recommendations likely to have nil or minor impacts

- If you do not agree that one or more of recommendations in Appendix A will have minor or no impacts, please provide your assessment of the impacts for each, supported with evidence if possible.

Type answer here

- Do you have suggestions for other options to address the problems identified in the 2018 Review for recommendations in Appendix A? Please provide information or evidence on the impacts of your suggested option, if possible, including how it would improve the WHS outcomes or reduce compliance costs.

Type answer here