

March 4 2018

Her Honour M Boland
Review Convenor
Safe Work Australia

RE: 2018 Review of the model WHS Laws

Dear Justice Boland,

I write to you in response to the request from Safe Work Australia and State based regulatory authorities regarding the 2018 review of the "Model WHS Laws" that were initially introduced on a national basis January 1st 2012.

My specific area of interest is in relation to Division 2 Primary Duty of Care Sections 1 to 3 and the relationship this has to provision of emergency equipment and trained staff to respond to emergencies in the work place.

My interest in this specific section is drawn from:

- A) Forty years of 1st aid, nursing and paramedic clinical practice experience.
- B) Working under three safety related Acts in NSW and two specific regulations of codes of practice in relation to "provision of appropriately trained individuals and equipped workplaces"
- C) Thirty five years of vocational training in work, health safety and risk activities
- D) Seeing the benefit of excellent initial responder first aid, prior to my arrival as a paramedic in a professional capacity
- E) Understanding that Australia is a diverse country and that while the various States will have both focus groups and individuals with views perhaps outside the views of my own, a consensus is required. If the mechanism to achieve the consensus to improve this weakness in current practice is through this review, then if one additional life is saved then my submission has been worthwhile.

In NSW, a regulation was introduced in 1989. This regulation identified a range of requirements in relation to provision of trained staff,

equipment and facilities to be provided by employers in regard to first aid in the workplace. As an adjunct to this information there was additional commentary in relation to particular dollar value construction activity requiring particular level of training provided to staff working in those circumstances.

While some employer groups and indeed individuals felt that these requirements were perhaps arduous to implement and maintain, the regulations provided a common ground be it working in a major populated environment or a more isolated regional or rural environment. Having spent twenty five years of my professional life working in regional centres or small rural communities as both a responder and educator the reduction in requirements under the current Act, Regulations and Code of Practice is concerning.

A small yet important issue is that the current prescribed “minimum” contents list for a first aid kit, does not reflect current teaching practice based on current clinical practice within the scope of first aid. The recommendation to add additional items based on an appropriate risk assessment is almost, to my knowledge, never completed. The reduction of higher level trained first responders in larger industrial situations is also of concern, in particular when there is significant industrial activity in rural settings where paramedic care can be greater than two hours away on a routine basis.

NSW, at the time had a well-defined regulation and associated code of practice in relation to the provision of levels of training, provision of equipment and facilities in relation to first in the workplace. NSW was the envy of some of the other States with this framework along with allowing appropriately trained first responders to use advanced skills and medications. Today as a qualified paramedic, I cannot use what is now considered to be a standard response to the treatment of asthma in NSW, in Queensland or Victoria, yet the various peak advisory bodies, led by prominent medical experts in their field of interest suggest that this treatment is best practice.

This review has a perfect opportunity to suggest or promote changes that will make an in principle document that is at about 90% equitable across the jurisdiction's to a higher level. Specific penalties in particular offence areas will always be contentious. The contention originates from some states may have other parallel legislation, such as NSW, that introduced some years ago, the offence of industrial manslaughter.

In closing, in some areas of industrial compliance, self-regulation can and does work very well. In the area of provision of training, equipment and facilities to be provided in the work place to treat injured workers or be in readiness to respond to such incidents needs to be improved. This would reduce the risks of there being no one in the workplace trained when an employee is injured and their condition is such that person is not able to return to pre injury duties or the incident results in a fatality.

While guidelines in regard to numbers of staff trained to a particular level of response may appear a restraint of trade and an imposition, if an additional life is saved because in an office of fifty there were four employees trained in first aid when previously there was only two and those two staff members were away, then the imposition is worth it.

Forwarded for review as required.

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