

Submitted by: Frank

Legislative framework

While I am making this comment on behalf of myself, I make it in the context of being an employee of a government body which as a PCBU, along with myself and other engineers who can be classified as "designers" under the Work Health & Safety Act, must comply with its provisions. I refer to the Act section 22(4) (c), where it states that the designer must give adequate information "...to ensure that the plant, substance or structure is without risks ...". This is clearly an impossibility: nothing is "without risk" and therefore this requirement is unreasonable. "Risk" is also a vague and intangible term and subject to broad interpretation. It is preferable to use the term "hazard". Therefore this clause should be rewritten as "to ensure that any hazards arising from any activity associated with the plant, substance or structure are eliminated SFAIRP". For the same reason, section 18 parts (c), (d) and (e) should be re-written because they refer to eliminating the risk, which is an impossibility and an unreasonable requirement. I suggest the following: (c) what the person concerned knows, or ought reasonably to know, about—(i) the hazard or the risk; and (ii) ways of eliminating the hazard or minimising the risk; and (d) the availability and suitability of ways to eliminate the hazard or minimise the risk; and (e) after assessing the extent of the risk and the available ways of eliminating the hazard or minimising the risk, the cost associated with available ways of eliminating the hazard or minimising the risk, including whether the cost is grossly disproportionate to the risk.