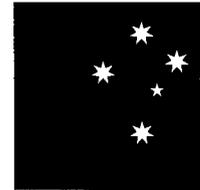
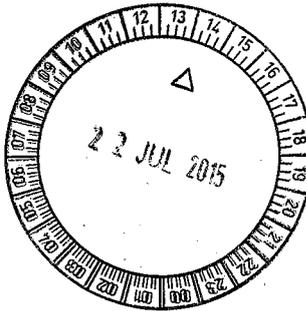


# Janine Freeman MLA

Your local representative in the Mirrabooka area  
21 July 2015

Mr Peter Abetz MLA  
Chairman  
Standing Committee on Delegated Legislation  
Parliament of Western Australia  
PERTH 6000

Dear Peter,



Unit 4, 1 Chesterfield Road  
Mirrabooka WA 6061  
PO Box 669  
Mirrabooka WA 6941  
T: (08) 9345 2005  
F: (08) 9207 2466  
nollamara@mp.wa.gov.au  
www.janinefreeman.com

## INQUIRY INTO ACCESS TO AUSTRALIAN STANDARDS ADOPTED IN DELEGATED LEGISLATION.

As you are aware I have advocated strongly that if Australian Standards are relied on in legislation or regulations that they should be freely accessible, a difficulty given access is owned by the SAI Global. The foundation of legislating must be an ability for citizens to understand their responsibilities in meeting statutory requirements.

It is therefore concerning that contrary the Department of Commerce submission to the committee that access to Australian Standards is available at their library, this public facility is set to close. Department of Commerce submitted that that the library is open Monday to Friday and the Librarian is there to assist with access to the online subscription purchased by the Department.

Despite the Department's recognition that *"the need to access Australian Standards is partially driven by the need to attain legal compliance"*, it appears that the library is targeted to close and the librarian made redundant as part of \$1.9 million funding cuts to Worksafe.

The Worksafe cost cutting proposals argues that the *"provision of a Library are discretionary activities which are not required by the regulator under the occupational safety and health laws"*.

It was therefore remiss of the Department of Commerce in their answer to the 2<sup>nd</sup> term of reference; **"whether amendments to legislation are required..."**, not to highlight that an amendment to the OSH Act is necessary for the regulator to make standards publicly and freely available to those it seeks to regulate.

It is interesting to note the SDA's submission that the adoption of Australian standards has influenced private companies, such as Woolworths in adopting AS4308 and AS4760 alcohol and drug standards. If workers could not freely access these at the Worksafe library, the standards would cost \$111.02 and \$93.23 respectively. This demonstrates that it simply is not enough to rely on common sense application of duty of care or responsibility.

The Worksafe library and the Librarian is therefore a necessity not 'discretionary' as posited by the Worksafe management and must remain so if WA government legislation continues to refer to Australian standards in delegated legislation.

I acknowledge that submissions to this inquiry were required by the 30 January 2015. However given the Department of Commerce proposal to close the library and make the Librarian position redundant it seems relevant that the Committee be made aware of that free public access will be limited unless legislation is altered to make this a requirement of the regulator.

Yours sincerely,

Janine Freeman MLA  
Member for Mirrabooka