

24 June 2020

Dr Sally Talbot MLC
Chair
Standing Committee on Legislation
Parliament House
Parliament Place
WEST PERTH WA 6005

Dear Dr Talbot

The Principals' Federation of WA (PFWA) recognises the need for legislation that guides safe practice in places of work so that workers' safety and health is a paramount responsibility of employers. Protection of workers against physical and psychological injury should be fundamental in the modern world, and any employer who is negligent in that responsibility should face a significant penalty. However, the PFWA is concerned that school-based employees will be captured in this legislation as well.

For the PFWA the critical element of the language around this proposed legislation is the term "employer". The PFWA represents Principals and Deputy Principals in public schools across WA, school leaders who perform a crucial leadership role in the delivery of schooling to students from kindergarten to year 12. Staff in schools engage in a range of curriculum related activities which may fall under the auspices of this legislation, and any incident resulting from an accident may expose our members to liability as the legislation is currently written.

Schools are not industrial workplaces, although some of their facilities may be in the form of a workshop or commercial kitchen. The presence of students, and the fact the curriculum requirements demand that students operate machinery and apparatus, can complicate what in a commercial/industrial setting would be addressed through training programs and the trust that is placed in teams of adults. Apart from the fact that public school Principals have not got the luxury of funding or training support that would guarantee their high-level skill and knowledge in matters concerning workplace health and safety, they are not the employer.

The PFWA urges this standing committee to reconsider the wording of the legislation around who is personally liable in the event of an accident, particularly in relation to schools. It should be the employer, and school Principals do not fall into that category.

Yours sincerely



Bevan Ripp
President

