

## Submission to the Standing Committee on Public Administration:

### Inquiry into WorkSafe Western Australia\*

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#### Introduction

1. The objects of the *Occupational Safety and Health Act 1984* (WA) (**the Act**) are broadly aimed at protecting people from hazards and harm while they are at work.<sup>1</sup>
2. The Department of Mines, Industry Regulation and Safety (**the Department**) is the State Government body that is responsible for assisting the Minister in the administration of the Act.<sup>2</sup> WorkSafe Western Australia (**WorkSafe**) is a division within the Department.<sup>3</sup> The inquiry focusses on Worksafe's performance and processes.
3. This submission will concentrate on three issues relating to Worksafe. The first is the potential for infrequent review and reporting of WorkSafe activities. The second issue involves an inefficient process prescribed by s 25 of the Act, where notification of unresolved issues at workplaces go to Worksafe inspectors.<sup>4</sup> The third is the inadequacy of the prosecution processes within the Act.

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\* This submission contains the authors' personal views. Those views should not be attributed to the authors' employers.

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<sup>1</sup> *Occupational Safety and Health Act 1984* (WA) s 5. Also see generally: *Wormald Security Australia Pty Ltd v Peter Rohan, Department of Occupational Health, Safety and Welfare* [1994] 74 WAIG 2, 12.

<sup>2</sup> The Department of Commerce amalgamated with the Department of Mines and Petroleum, and this is the department of the Public Service of the State principally assisting the Minister in the administration of the *Occupational Safety and Health Act 1984* (WA) s 3(1) (see the definition of the word 'department').

<sup>3</sup> See: <http://www.commerce.wa.gov.au/> and [https://www.slp.wa.gov.au/legislation/agency.nsf/docep\\_home.htmlx](https://www.slp.wa.gov.au/legislation/agency.nsf/docep_home.htmlx)

<sup>4</sup> Section 25 of the *Occupational Safety and Health Act 1984* (WA) provides for notification to an inspector when there is an unresolved occupational health and safety issue following an unsuccessful attempt for resolution pursuant to a workplace procedure. Section 25(2) requires an inspector attend the workplace 'forthwith'.

