



1st June 2011 | A: 16 Wexford Lane, BUNBURY WA 6230 | T: (08) 9792 4451 | F: (08) 9721 6208

Hi Kathy!

The Model 'Work Health and Safety Act' (WHS)



Workwise will be running information sessions on the new Act in July this year. The rollout of the model act from January 2012 will present employers - and particularly those in SME's with a number of challenges.

Whilst the WHS Act will not necessarily result in wholesale rewriting of existing OSH Policy and procedures it is the concepts and new definitions that the Act embraces that fundamentally shifts perceptions about who is responsible for workplace health and safety.

The WHS Act provides a definition of what 'reasonable and practicable' actually means from a health and safety management perspective and redefines the role of the employer and the concept of the workplace.

The WHS Act refers to 'PCBU's' or 'Persons Conducting a Business or Undertaking' (otherwise known as 'peekaboos!'). Already the legal eagles are scrambling for space in order to properly define 'who is a person' and 'what is a business or undertaking'.

The Act embraces volunteers as well as 'others' within a business or undertaking and perhaps more

significantly breaches of the Act are dealt with as 'criminal' not 'civil' matters.

The penalties for significant breaches of the Act - dependant on degree of culpability and severity - are many times greater than those currently the case under the WA OSH Act and include 'officers of the company' which are again defined within the Act.

The State Government has been reluctant to embrace the entirety of the Model Act as, along with Victoria, elements of the new Act are seen to be less effective than what is current within WA's own OSH Act.

So watch this Space for further information and updates as the year progresses. Seminar and briefing dates will be advised in due course.

Best Regards,
The Workwise Team



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Have A Topic Idea?

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