

Dear Sir/Madam,

The Australian Workers Union (AWU) takes the opportunity to provide feedback as requested as to the effectiveness of the WHS Act 2012. The Union represents in excess of 6500 workers in SA alone. Many of these workers work in locations or indeed are required to cross State borders as part of their work requirements and notwithstanding a harmonised Act are still confronted from time to time of differences in Legislation given their work location. This feature of work is becoming over time more common place and the Union believed the intent at least in this instance was for essentially State based legislation to be the same regardless of where a worker worked. The Union is still of a view that a truly harmonised set of Legislation is the most practical for both Workers and Business. On behalf of the Union I provide the following responses to the Feedback sought:

Item

1. The Union does not see too great a difference between the Model Act and the SA WHS Act in relation to this matter nor has it presented issues to our knowledge since the introduction of same.
2. The Union believes the SA WHS Act purely clarifies what is in the Model WHS Act and is in harmony with the Model Act
3. The Union believes the Model Act should apply in this instance as the WHS Act is restrictive and does not provide for efficient and practical outcomes which extend beyond the restriction in the WHS Act.
4. The Union believes the Model Act to provide an inferior outcome to the provision of training. Effective outcomes in this regard are demonstrated by competent HSR's. In fact HSR's should be entitled to 5 Days per year every year given the subject matter now that is to be completed extends beyond the traditional Level 1, 2 and 3 training.
5. The current WHS Act appears to work well and therefore the AWU does not see a need to change.
6. The AWU believes the Model Act to be superior as it does not appear to restrict relevant information from being released as the SA WHS Act provides a restriction that allows an Inspector to potentially qualify by direction where such information goes.
7. The Union cannot see a manifest difference between both provisions.
8. Neutral Opinion

Other General comments:

We would seek to make is that the Union believes that training in all but the most limited circumstances be in a classroom/adult learning environment. It is in this environment that participants can directly engage with other participants and share learnings in a real and practical way.

The AWU believes that HSR Training continue to be separated from RTO's. ie Cert 3,4 and Diploma. If an HSR wishes to further their career in industry then credits be given by the RTO from outcomes achieved from HSR Training perhaps as RPL's as long as there is an alignment of outcomes.

In closing the AWU trusts the submission will assist in the forthcoming review and should there be a requirement for any further information, please do not hesitate to contact the undersigned.

Yours faithfully,

Peter Lamps

State Union Secretary

Branch Secretary

Amalgamated AWU (S.A.) State Union

The Australian Workers Union