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WHS Act Review  
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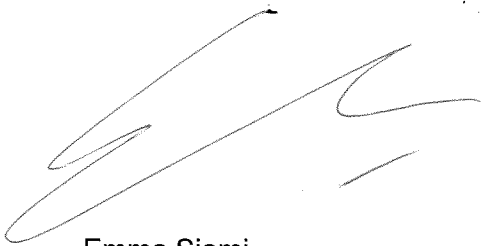
**Re: Review of the *Work Health and Safety Act 2012 (SA)* and Dangerous Goods and Explosives legislation**

Thank you for the opportunity to contribute to the review of the *Work Health and Safety Act 2012 (SA)* (the Act) and Dangerous Goods and Explosives legislation. A consolidated response on behalf of public sector agencies is provided below.

- Public sector agencies have not brought to our attention any unintended consequences from operation of the Act. This may be, at least in part, a time-related matter given that there has been minimal testing of the legislation through the courts to date.
- The Office for the Public Sector and those agencies that provided a response are generally supportive of the commentary contained in Attachment 1 of the SISA submission to the current review (as provided to us by SISA). We are supportive of recent changes made to the entry permit holder (EPH) provisions of the Model Act requiring a 24 hour period of notice to be provided prior to entry to a workplace. It is our view that this would better align EPH provisions with those of the *Fair Work Act 1994* and we submit that the South Australian Act should be drafted accordingly.
- Several agencies commented on the operation of Part 3 of the Act – Incident notification:
  - There could be increased clarity around what is notifiable to the Regulator. Examples were provided concerning the definition of ‘serious’ injuries; what would be considered a ‘spinal injury’ and the boundary between ‘controlled’ and ‘uncontrolled’ dangerous incident exposures.
  - There should be stipulation of who other than SafeWork SA are ‘Regulators’ for notification of incidents. In particular, the requirement to notify the Office of the Technical Regulator for instances of electric shock or gas malfunction should be specified.
- The South Australian provision for increased training entitlements for health and safety representatives (HSR) has not been reported as causing issues for agencies. However, the necessity for a re-elected HSR to receive the same training entitlement as a newly elected HSR (particularly in the first year of their re-election) was questioned. Consideration should be given to streamlining this entitlement.

- Two comments were received on the **Dangerous Goods and Explosives** legislation:
  - Given that bulk storage in organisations is usually fairly consistent over time, licence periods should be extended beyond 1 year. A 3-yearly licence renewal would reduce red tape and administration costs. Licence management would also be significantly easier if licences were issued to the organisation (with sites listed) rather than separately to each site.
  - A general comment was made that there is still a very fragmented set of legislation controlling workplace chemicals when road/rail transport, WHS legislation, APVMA, chemicals of security concern code of practice etc. are all considered.

Yours sincerely



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**Director Strategic Services**  
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