

## OCCUPATIONAL SAFETY AND HEALTH AMENDMENT BILL 2002

### *Second Reading*

Resumed from 15 May.

**MRS EDWARDES** (Kingsley) [1.50 pm]: The Opposition supports the Bill, which extends the Occupational Safety and Health Act to cover police officers. The Police Service and WorkSafe Western Australia have been working on this legislation for a considerable period, including when I was the minister responsible for occupational safety and health. I know the Government has said that the then Leader of the Opposition, now the Premier, introduced legislation in 1999 but that the then Government rejected it. There were very important and sound reasons for that rejection, and I am sure the Government is now conscious of them. Of course, the issue was the relationship that will exist between the Police Service and WorkSafe. Although the Police Service has implemented many safety strategies in the work environment, it has not had an umbrella body such as WorkSafe or the Department of Consumer and Employment Protection overseeing its operations. The issue has always been the independence of the Police Service and the protection of that independence. Introducing legislation and rushing it through the Parliament without the necessary mechanisms to underpin its implementation would have been very short-sighted. As I said, the issue is the protection of the independence of the Police Service and its operations, coupled with the protection of police officers within their work environment, which will now be covered by the legislation.

This legislation does not address that protocol; that is, the working arrangement between the Police Service and WorkSafe for the practical application of this legislation. How will the two departments work together? What will be the essential protocols between the two agencies? The legislation refers to covert and dangerous operations. Of course, that is an issue that must be addressed in policing work. We do not want a WorkSafe inspector affecting an operation or putting himself in danger. Those protocols and how they operate will be vital to the successful implementation of this legislation.

The critical factor is that the Occupational Safety and Health Act covers all working conditions. It does not simply cover the environment, the structures and the equipment with which police officers work - that is, police stations, motor vehicles, bikes, horses and so on; it also covers their everyday operations. It is the independence of those operations that must be protected from outside interference. We all recognise that police officers work in a very dangerous occupation. They do a job that we cannot do for ourselves. Their role is to serve and protect the community and, in doing that, they often put their lives at risk. Minimising the risk to officers has been part of the Police Service culture for the past few years. The service has made a concerted effort to increase the emphasis on safety in preparation for the introduction of this legislation. Extensive work has been done preparing officers so that they have an understanding of the provisions of the Occupational Safety and Health Act and the management of their operations. As a result, they have a working knowledge about minimising risk and protecting not only themselves but also their colleagues. Extensive work has been undertaken to create a very strong WorkSafe environment in the Police Service. That ethos has been included as part of the training package for some time.

The key aspect of this legislation is the fact that it extends coverage to off-duty police officers. One of the flaws in the New South Wales legislation was that it did not cover risk to police officers if they were caught in a dangerous situation while off duty. I argue that a police officer is never off duty. If he is travelling home on a train or bus - which more of them have to do now that their cars and bikes have been taken from them - and he sees an incident, his training and instincts tell him to get involved. This legislation clearly provides that such officers are covered for any action they take while off duty. Officers often put themselves at risk to protect someone else and, in doing so, they should be protected under the Occupational Safety and Health Act. New South Wales police officers took action against their Government and it had to amend its legislation to ensure that it covered actions taken by police officers when they were not formally rostered on. Of course, the meaning of "formally rostered on" was debated at length. It is a very important amendment and one which extends the coverage of the Act beyond that afforded ordinary public servants.

The employer's duty of care exists at common law. Therefore, there has always been an employer's duty of care to police officers in their workplaces. It is the statutory duty that gives greater protection to police officers now that they will be covered by the Occupational Safety and Health Act. I know the minister highlighted a number of areas in her second reading speech, but providing a safe working environment includes more than simply undertaking appropriate training in all areas. The training should cover the use of weapons, torches, defensive tactics, arresting persons, communications, driving and riding skills and tactics to be used in high-risk situations. It has been held in a number of key cases that the correct use of communications can save lives. It is not enough to provide information about those issues in the initial training program; it is very important to provide ongoing training and testing. It is also very important that that knowledge base be monitored. Individual police officers

might undertake the initial training but move around from district to district and, as a result, miss out on further training. Monitoring of the training will be essential. Training should also be compulsory.

Assessments should be undertaken of all police operations and policies; for example, two-man patrols, the carrying of firearms and so on. The role of Aboriginal police liaison officers has been debated this year. What training in firearms are they given and what protection will they be afforded, particularly now that they will be covered by this Act? How will we minimise the risk to them? The key phrase is “minimising the risk”.

Debate interrupted, pursuant to standing orders.

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