

PROVISIONAL IMPROVEMENT NOTICES, QUALIFICATION REQUIREMENTS FOR ISSUING

3184. Mrs C.L. Edwardes to the Minister for Consumer and Employment Protection; Indigenous Affairs; Minister Assisting the Minister for Public Sector Management

I refer the Minister to the Occupational Safety and Health Act 1984 and ask -

- (a) will the qualification requirements for representatives able to issue a Provisional Improvement Notice (PIN) be a prescribed TAFE based Occupational Safety and Health course or a short course, provided by unions;
- (b) if the course is a union provided course, will each union provide their own training;
- (c) if yes, how will an accredited training formula be arrived at and will graduates of accredited training courses be required to undertake refresher courses on a regular basis;
- (d) if not, why not; and
- (e) what action can an employer take to recover costs if a PIN has been wrongly used as part of industrial action?

Mr J.C. KOBELKE replied:

- (a)-(d) Under existing provisions of the Occupational Safety and Health Act 1984, the Commission for Occupational Safety and Health accredits training courses for safety and health representatives. Under their guidelines, the Commission has accredited a range of private and public training providers.

The Commission has recently considered amendments to their guidelines which will in effect maintain the existing accreditation system. The Commission is also currently considering training requirements, including refresher training for existing Safety and Health representatives arising from the Occupational Safety and Health Legislation Amendment Bill 2004.

- (e) To ensure Provisional Improvement Notices (PINs) serve their intended function, amendments to the Act will include a number of controls on the right to issue a PIN and mechanisms to deal with inappropriate behaviour. A PIN is similar to an improvement notice issued by a WorkSafe inspector, except for its provisional nature. A PIN is not a prohibition notice. The Bill requires prior consultation when issuing a PIN, and the date by which compliance is required must be more than 7 days from the day the PIN was issued. This 7 day requirement allows the party who is the subject of the PIN, to exercise their right to seek a review by a WorkSafe inspector.

Existing provisions of the Act address the potential for disqualification of safety and health representatives who misuse their powers. These provisions will apply equally to abuses of the power to issue PINs.