



Mr Peter Abetz MLA
Chair
Joint Standing Committee on Delegated Legislation
Legislative Council
Parliament of Western Australia
PERTH WA 6000

SH

19th January, 2015

Dear Mr Abetz,

Re: Inquiry into access to Australian Standards adopted in delegated legislation

The Shop, Distributive and Allied Employees' Association (SDA) is Australia's largest trade union and has over 20,000 members working in a range of industries in Western Australia. In response to your letter of 4 December 2014, the SDA WA makes the following comments with regard to access to Australian Standards.

It is not clear which standards impact directly on workers through legislation. To determine this it is necessary to register for a paid service *Access LexConnect* through SAI Global.

However it is known that workers are impacted when their employers adopt Australian Standards. For example, Woolworths Limited released its *Drug and Alcohol Procedure Guide* on 1 May 2012 which refers to AS4308 and AS4760 for cut off levels for the range of drugs specified in the Australian Standards.

The cheapest price to purchase these Standards is \$111.02 and \$93.23 respectively. Were the union to purchase these Standards, even at a higher purchase price to allow for copying, it would be breaking copyright to publish the pertinent sections in our member magazine or even a mail-out to members employed by Woolworths and its subsidiaries. In order to disseminate the relevant information the union would have to pay a royalty for reproducing the content, and given the high turn-over of staff in the retail and associated sectors this could be a very costly exercise to repeat at regular intervals.

Given that workers can be disciplined or even sacked for failure to comply with Standards, it is both logical and imperative that the information be publicly available and easily accessible.

Addressing the terms of reference:

1. The level of free public access to adopted Australian Standards

It is not well known that there is public access to the Australian Standards at some Government agencies and libraries. This information is brought to light in the Annual Reports of the Committee,

All correspondence to be addressed to the General Secretary

The Shop, Distributive and Allied Employees' Association of Western Australia

An organisation registered in accordance with Industrial Relations Act 1988

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but not for example in a simple text search of "Australian Standards" on the Department of Commerce/ Worksafe website.

Notwithstanding that such access does exist, it is at odds with modern expectations of access to information through electronic means. For many workers, particularly those in retail and associated industries, it is not practical to physically attend libraries to access information which may have direct impact on their working lives.

This is particularly pertinent to workers living in remote areas, where access to libraries and Government agencies is negligible.

2, 3 & 4. Whether amendments to legislation or other measures are required to improve access to adopted Australian Standards.

Whether it be through legislative or other mechanisms, it is clear that if workers are subject to Australian Standards, it should be a basic right to be able to easily access those standards.

This may be as simple as requiring that relevant representatives such as members of parliament, unions and employer associations be automatically granted access to all standards, and then requiring Standards Australia to publicise this access route on their website.

If a worker or any other member of the public can identify that they are obliged to comply with a standard (such as by citing relevant legislation or employer policy) there should be a mechanism for free access to the relevant clauses. Although the Standards may change from time to time it is reasonable to expect that in the first instance the relevant section be quoted by the issuing authority – be this a legislative body or an employer – and that any member of the public should be able to make electronic or phone enquiry to request a written update of any changes that have subsequently been made to that section.

5. Other related matters arising

It is incumbent on the Joint Standing Committee to address the issue of access to Australian Standards. To fail to do so, and to continue to refer to Standards that are not freely available, implies that it is acceptable and appropriate for employers to likewise refer to Standards which remain oblique for workers as long as there is a prohibitive expense to access them.

Thank you for the opportunity to comment on this issue. If you have any questions regarding the content of this letter, please contact Sarah Haynes, Industrial Officer at the SDAWA, either by email: Sarah.Haynes@sdawa.asn.au or by calling (08) 6151 7945.

Yours sincerely



Peter O'Keeffe
GENERAL SECRETARY