



Volunteer Hub

COPY

Work Health and Safety Act 2020

Home > Toolboxes > Work Health and Safety > **Work Health and Safety Act 2020**

Work Health and Safety Act 2020

On 12 July 2017, the State Government announced that it would introduce new Work Health and Safety (WHS) laws, based on the national model used by most other States and Territories.

The Work Health and Safety Bill 2019 was passed as the Work Health and Safety Act 2020 (WHS Act) on 10 November 2020.

But before the Act can take effect, regulations need to be drafted. Work on the WHS regulations will progress throughout 2021.

This proposes a single Act for Western Australian workplaces and will replace the existing Occupational Safety and Health Act 1984 (WA) (OSH Act).

Why is the OSH Act being changed?

The community expects that every worker has the right to come home safely after each shift.

The current OSH Act has served the WA community well but has become outdated. Importantly for emergency services, it does not explicitly cover volunteers. The Bill will replace three current laws:

- The Occupational Safety and Health Act 1984;
- The Mines Safety and Inspection Act 1994; and
- The Petroleum and Geothermal Energy Safety Levies Act 2011.

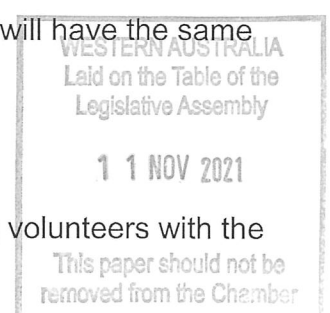
What is the purpose of the WHS Act?

The Act will make WA law consistent with other States and Territories. It is designed to ensure that organisations uphold the duty of care for anyone carrying out work on the organisation's behalf.

For emergency services, this means that career staff and volunteer personnel will have the same health and safety protections when performing their duties.

How will the WHS Act impact volunteers?

The Act includes volunteers in the definition of a 'worker', essentially providing volunteers with the same level of protection as an employee.



The proposed WHS laws will not affect the ability of brigades, groups and units (BGUs) to respond to incidents.

All stakeholders, including DFES, local governments and BGU leaders will have a responsibility to ensure the health and safety of volunteers.

Will DFES be solely responsible for the health and safety of volunteers?

No, however, DFES will be required to do what is considered 'reasonably practicable' to keep workers safe and healthy.

Also importantly, the obligation for all workers to look after their own and others safety will not change in the new Act.

What is DFES doing in preparation for the WHS Act?

DFES has been planning for these changes for many months, including:

- identifying the need for manager or supervisor training;
- speaking with stakeholders like the WA Local Government Association (WALGA) and volunteer associations; and
- working through legal issues that may arise.

There has also been ongoing consultation and briefings to various volunteer groups throughout the State.

Where can I find more information on the WHS Act?

The Work Health and Safety Act can be found on the [WA Legislation website](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43434.pdf/$FILE/Work%20Health%20and%20Safety%20Act%202020-%20-%20%5B00-00-02%5D.pdf?OpenElement) ([https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43434.pdf/\\$FILE/Work%20Health%20and%20Safety%20Act%202020-%20-%20%5B00-00-02%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43434.pdf/$FILE/Work%20Health%20and%20Safety%20Act%202020-%20-%20%5B00-00-02%5D.pdf?OpenElement)).

An overview of the Work Health and Safety Act can be found on the [Department of Mines, Industry Regulations and Safety website](https://www.dmirs.wa.gov.au/sites/default/files/atoms/files/overview_wa_whs_act_0_0.pdf) (https://www.dmirs.wa.gov.au/sites/default/files/atoms/files/overview_wa_whs_act_0_0.pdf).

Page last updated: Wednesday, 22 September 2021