Session Topics

1. Work Health and Safety Act 2020

2. Working at Heights
   - What it means for Volunteers
   - Your Questions

WAFES 2021
Work Health and Safety Act 2020

- The *Work Health and Safety Act 2020* (WHS Act) passed the Western Australian Parliament on 03 November 2020 and assented by the Governor on 10 November 2020; the Act will commence (proclamation) when the Regulations and Codes of Practice are completed (estimated **January 2022**).


- The 'primary duty of care' provisions, which are set out in section 19 of the WHS Act, will be imposed on a 'person conducting a business or undertaking' (PCBU).

- The WHS Act includes volunteers in the definition of a 'worker' (section 7), essentially providing volunteers with the same level of protection as an 'employee'.

- Over 90 per cent of DFES operational workforce are volunteers.
Work Health and Safety Act 2020

- Significantly increased penalty provisions
- Focus on enforcement from the regulator (Standing Committee recommendation)
- Duty holders (Can have more than 1 duty & more than 1 person can concurrently have the same duty – capacity to influence and control)
- Industrial Manslaughter
- Consultation, representation, cooperation between duty holders
- Positive due diligence
- Indemnity (can not indemnify your duty – Criminal Liability)
Work Health and Safety Act 2020

- **PCBU** – *Person Conducting a Business or Undertaking*
- **Officer** – CEO or person who makes or participates in making decisions that affect the entire organisation
- **Worker**
  - an employee
  - contractor or subcontractor
  - employee of a contractor or subcontractor
  - an employee of a labour hire company
  - Outworker (working from home)
  - Apprentice or trainee
  - Student gaining work experience
  - **Volunteer**
- **Other**
What does this mean for DFES / Local Government?

- Ensure volunteers are provided with inductions, standard operating procedures (SOPs) and directives applicable to incident response and general business activities.

- Ensure volunteers are provided with appropriate vehicles, appliances, equipment and personal protective clothing to carry out their functions safely.

- Consult on matters that may affect volunteer health and safety whilst undertaking ‘work’ for DFES.

- Ensure volunteers are provided with appropriate training, information, instruction and supervision to carry out their functions.

- Provide for volunteers’ welfare, including first aid, refreshments where possible, relief for fatigued crews and welfare/wellness services.
Burn off or Fire on Private Property (Farmer/Land Owner)

Response:
- Farmer/land owner and/or ‘workers’

WHS Act:
- Farmer/Land owner is PCBU and is responsible for primary duty of care provisions for ‘workers’.

Fire escalates and assistance is requested from LG Bush Fire Service

Response:
- Farmer/land owner and/or ‘workers’
- LG BFS resources

WHS Act:
- LG is a PCBU and is responsible for primary duty of care provisions for LG BFS resources.

Fire escalates and assistance is requested from DFES / DBCA (Section 13) and transfer of control as HMA

Response:
- Farmer/land owner and/or ‘workers’
- LG BFS resources
- DFES/DBCA resources

WHS Act:
- DFES/DBCA are PCBU and have primary duty of care of all resources and ‘workers’ and all ‘others’ that can influence reasonable control.
- LG is a PCBU and is responsible for primary duty of care provisions for LG BFS resources.
- Farmer/Land owner is PCBU and is responsible for primary duty of care provisions for ‘workers’.
Moving forward...

In order to prepare for the WHS Act, DFES is undertaking activities including:

1. Review of DFES Safety Management System
   - Communication, consultation and representation

2. Establishing Health and Safety ‘Leaders’ at local BGU’s so volunteers are engaged, consulted and work collaboratively with DFES to contribute to positive health and safety outcomes for their volunteer members.

3. Continuously reviewing and improving DFES policies and operational procedures:
   - Operational Doctrine
   - Fatigue Management
   - Heat Stress Management
   - Health and Safety Inductions