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**Submission template:**

*Work Health and Safety Act 2020*
Statutory Review

Contents

[Statutory review of the *Work Health and Safety Act 2020* (WHS Act) 3](#_Toc210654098)

[Section 1: Submission details 3](#_Toc210654100)

[Section 2: Permission details 4](#_Toc210654101)

[Submission comments 5](#_Toc210654102)

[Section 3: Feedback 6](#_Toc210654103)

[TOPIC 1: WHS Act, Part 2 – Health and safety duties 6](#_Toc210654104)

[TOPIC 2: WHS Act, Part 3 – Incident notification 7](#_Toc210654105)

[TOPIC 3: WHS Act, Part 5 – Consultation, representation and participation 8](#_Toc210654106)

[TOPIC 4: Introduction of infringement notices 9](#_Toc210654107)

[TOPIC 5: Requirement to display notices for psychosocial hazards 10](#_Toc210654108)

[TOPIC 6: General feedback on the operation and effectiveness of the
WHS Act or other WHS matters 11](#_Toc210654109)

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# Statutory review of the *Work Health and Safety Act 2020* (WHS Act)

# Section 277 of the WHS Act requires the Minister responsible for the Act (the Minister for Industrial Relations) to undertake a statutory review (Review) of the operation and effectiveness of the Act and prepare a report for Parliament on the Review.

WorkSafe is seeking feedback on the questions posed in the WHS Act statutory review discussion paper, which can be found on the [Public Consultation - SafetyLine Hub](https://safetyline.wa.gov.au/news/public-consultation/#open-consult).
For ease of reference, the discussion paper questions have been repeated in this submission template.

**Important:** Please ensure you read the discussion paper before filling out this submission template. Otherwise, the questions will not make sense without the background context the discussion paper provides.

# Section 1: Submission details

|  |  |
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|  |  |
| Full name |  |
| Organisation and position (if applicable) |  |
| Email |  |
| Telephone |  |
| Size of workplace (number of workers) | [ ]  Small (0-9) | [ ]  Medium (20-199) | [ ]  Large (200+) |
| Please indicate in what capacity you are making this submission (select one of the following categories) | [ ]  Individual[ ]  Business[ ]  Community organisation[ ]  Employer organisation | [ ]  Industry representative[ ]  Academic[ ]  Government representative[ ]  WHS professional |
| [ ]  Other (enter details) |
| Which industry sector do you operate in? |  |
| Your type of job or business (if applicable) |  |

# Section 2: Permission details

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| --- |
| **Internet publication** |
| A summary of public submissions may be published on the WorkSafe website, including any personal information of authors and/or other third parties **contained in the submission.** Please tick this box if you **do not consent** to having the content of your submission published. |  |
|  |  |  |
|  |
| **Anonymity** |
| Please tick this box if you want to remain anonymous (that is, you **do not consent** to having your name or your organisation’s name published).  |  |
|  |  |  |
|  |
| **Third party personal information** |
| Please tick this box **if your input contains personal information of third party individuals,** and strike out the statement that is not applicable in the following sentence: The third party **consents / does not consent** to the publication of their information.  |  |
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# Submission comments

Please enter your comments on each discussion topic within the tables provided.

Submissions are welcomed from all stakeholders, including duty holders, regulators, government agencies, unions, workers, legal professionals, researchers, members of the public and other parties who may be affected by topics discussed.

If you would like to provide general feedback on the operation and effectiveness of the WHS Act, unrelated to the specific questions, that feedback will also be considered.

When making your submission, please consider your submission feedback in the context of the *Work Health and Safety 2020* (WHS Act) Statutory Review Terms of Reference, as follows:

* identify areas for improvement to ensure the WHS Act remains relevant and aligned to evolving workplace practices in Western Australia;
* consider the review of the national model WHS Act to ensure harmonisation;
* consider whether the legislation provides a framework to effectively address ongoing and emerging workplace hazards;
* consider the burden faced by industry and others in complying with the laws;
* ensure effective compliance and enforcement of the WHS Act; and
* ensure effective internal, external, and tripartite consultation.

**Attachments:** If providing attachments with your submission template, please ensure they are labelled according to the relevant question number or topic.

**Submissions close:** 28 November at 5pm AWST.

Any questions in regard to this submission template can be directed to: whs\_act\_statutory\_review@lgirs.wa.gov.au. Responses will not be immediate and may take up to 2-3 business days.

# Section 3: Feedback

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| TOPIC 1: WHS Act, Part 2 – Health and safety duties |
| **QUESTIONS:**1. Do you consider the health and safety duties in Part 2 to be operating effectively?
2. In your view, is section 26A achieving its intended outcome or causing unintended consequences for WHS providers and others (e.g. consultants)?

**Please provide your reasoning and any evidence to support your answers.** |
| **COMMENTS:** |
| TOPIC 2: WHS Act, Part 3 – Incident notification  |
| **QUESTION:**1. Based on your understanding of the Safe Work Australia (SWA) overview of the proposed changes to incident notifications, do you support the intended changes?

**Please provide your reasoning and any evidence to support your answer.** |
| **COMMENTS:** |
| TOPIC 3: WHS Act, Part 5 – Consultation, representation and participation |
| **QUESTIONS:**1. Do you consider Part 5 of the WHS Act, Consultation, representation and participation, to be operating effectively?

5a. Do you consider the 2-day turnaround time reasonable (section 82(3)), or do you support Western Australia investigating alternative approaches to manage dispute resolutions (noting that SWA is reviewing the matter)? 5b. Do you consider the Queensland approach to dispute resolution preferable to Western Australia’s?**Please provide your reasoning and any evidence to support your answers.** |
| **COMMENTS:** |

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| TOPIC 4: Introduction of infringement notices |
| **QUESTIONS:**1. Do you support Western Australia introducing an infringement notice penalty scheme?
2. Can you provide an argument for or against introducing an infringement notice penalty scheme?

**Please provide your reasoning and any evidence to support your answers.** |
| **COMMENTS:** |

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| TOPIC 5: Requirement to display notices for psychosocial hazards |
| **QUESTION:**1. Based on the [PwC report findings](https://www.worksafe.wa.gov.au/system/files/documents/2025-06/RP_PwC-CapabilityReview.pdf) and recommendation 29, do you support including a provision in the WHS Act to allow for certain notices relating to psychosocial hazards to not be displayed at workplaces?

**Please provide your reasoning and any evidence to support your answer.** |
| **COMMENTS:** |

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| TOPIC 6: General feedback on the operation and effectiveness of the WHS Act or other WHS matters |
| **QUESTIONS:**9a. Do you have any additional feedback on the general operation and effectiveness of Western Australia’s WHS laws? 9b. Do you have any positive feedback regarding Western Australia’s adoption of the harmonised WHS laws? 9c. Do you consider Western Australia’s WHS legislative framework to be effectively addressing emerging workplace hazards? 9d. Do you consider Western Australia’s WHS legislative framework to be reducing the compliance burden faced by industry and others?**Please provide your reasoning and any evidence to support your answers.** |
| **COMMENTS:** |

**Submission:** Once completed, please submit this form to whs\_act\_statutory\_review@lgirs.wa.gov.au

**Department of Local Government, Industry Regulation and Safety**

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Website: www.worksafe.wa.gov.au