



**APPENDICES**

DECEMBER 2012

Draft Regulation Impact Statement  
Model Work Health and Safety Regulations and  
Codes of Practice in Western Australia

Report prepared for WorkSafe WA

**Marsden Jacob Associates**

Financial & Economic Consultants

ABN 66 663 324 657

ACN 072 233 204

Internet: <http://www.marsdenjacob.com.au>

E-mail: [economists@marsdenjacob.com.au](mailto:economists@marsdenjacob.com.au)

Melbourne office:

Postal address: Level 3, 683 Burke Road, Camberwell

Victoria 3124 AUSTRALIA

Telephone: +61 3 9882 1600

Facsimile: +61 3 9882 1300

Brisbane office:

Level 14, 127 Creek Street, Brisbane

Queensland, 4000 AUSTRALIA

Telephone: +61 7 3229 7701

Facsimile: +61 7 3229 7944

Perth office:

Level 1, 220 St Georges Terrace, Perth

Western Australia, 6000 AUSTRALIA

Telephone: +61 8 9324 1785

Facsimile: +61 8 9322 7936

Sydney office:

Rod Carr

Telephone: +61 418 765 393

Author: Alex Marsden, Christine Tran, Dr John Marsden

[alex.marsden@marsdenjacob.com.au](mailto:alex.marsden@marsdenjacob.com.au)

This report has been prepared in accordance with the scope of services described in the contract or agreement between Marsden Jacob Associates Pty Ltd ACN 072 233 204 (Marsden Jacob) and the Client. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Marsden Jacob Associates accepts no responsibility for its use by other parties.

Copyright © Marsden Jacob Associates Pty Ltd 2012

# APPENDICES

## TABLE OF CONTENTS

	Page
<b>Appendix 1: Consultation process.....</b>	<b>1</b>
Consultation methodology .....	1
Statistics for key papers accessed .....	1
Perth workshops and information session .....	2
Regional forums .....	3
Written Submissions .....	3
Survey Responses.....	3
<b>Appendix 2: Public consultation communication and activities .....</b>	<b>5</b>
<b>Appendix 3: WorkSafe’s methodology for identifying changes in regulations.....</b>	<b>9</b>
<b>Appendix 4: Comparison of consultation responses to WA industry profile .....</b>	<b>10</b>
<b>Appendix 5: Calculation of impact of regulation changes .....</b>	<b>14</b>
Estimates based on individual costs.....	14
<b>Appendix 6: Workshop version of survey .....</b>	<b>18</b>
What is required of me? .....	19
Key proposed changes.....	19

## LIST OF TABLES

	Page
Table 1: Summary of downloads from the Marsden Jacob webpage.....	2
Table 2: Summary of Perth forums and their attendance numbers.....	2
Table 3: Summary of regional forums held.....	3
Table 4: Summary of survey response rates.....	3
Table 5: Summary of Public Consultation Communication and Activities – compiled by WorkSafe.....	5
Table 6: Comparison of WA industry profile and respondent profile, by industry.....	11
Table 7: Employment in the private sector by business size.....	12
Table 8: Geographical distribution of respondents across areas.....	12
Table 9: Comparison by proportion of single and multi state businesses.....	13
Table 10: Current WA industry profile.....	16
Table 11: Assumed number of employees for each business size.....	16

## LIST OF FIGURES

	Page
Figure 1: Example newspaper advertisement.....	8
Figure 2: Comparison of WA industry profile by business numbers and employment with consultation respondent profile by industry.....	11

# Appendix 1: Consultation process

---

## Consultation methodology

The eight week consultation period was advertised by the Department of Commerce to run from 17 August 2012 to close of business on 12 October 2012 and these dates were applied in all Marsden Jacob material and other publications. The consultation opportunities and accompanying call for submissions were referred to in a series of publications. In short, some sixteen advertisements were inserted in newspapers across Western Australia as well as a range of articles in trade papers, WorkSafe bulletins as well as standing information on Government websites. In addition a number of “new media” methods were used to advertise the consultation process including the use of Twitter and LinkedIn. A list of activities undertaken is provided in Appendix 2.

To ensure the maximum number of submissions, Marsden Jacob continued to accept responses after the official close of the consultation period.

Two key supporting documents were published to provide background detail for the consultation process, namely the Information and Issues Paper and a table summarising the proposed changes in the definitions of key terms such as Worker, Workplace and Person Conducting a Business or Undertaking (PCBU).

A total of seven regional forums, five Perth based forums and one information briefing were held during the consultation process.

All workforce participants were encouraged to provide a submission through one of the following methods:

- completing the online survey;
- making a written submission; and/or
- attending a consultation session in a regional centre or in Perth.

## Statistics for key papers accessed

Marsden Jacob established a dedicated webpage on its own website to ensure the security of submissions and to reassure those lodging submissions that confidentiality would be maintained. This step was taken to encourage more people to lodge submissions. The site was used to host all aspects of the consultation process including the key documents.

The numbers of successful downloads of the papers on the Marsden Jacob webpage as at 16 October 2012 is shown in Table 1.

**Table 1: Summary of downloads from the Marsden Jacob webpage**

Document	Successful Downloads
Information and Issues Paper	2,261
Comparison Table for definitions under the WHS Act	1,101
Submission cover sheet	139

Source: Marsden Jacob Analysis

## Perth workshops and information session

### General Industry briefing

In response to requests to attend forums, a General Industry Briefing was organised that was hosted by the Chamber of Commerce and Industry. Around 65 attendees were present.

### Workshops

Four further workshops have been conducted – which were targeted as follows:

- Small Business;
- Volunteer and Not for Profit;
- Mining; and
- Asbestos industries.

The details and attendance numbers for each of the forums are summarised in Table 2.

**Table 2: Summary of Perth forums and their attendance numbers**

Date	Forum	Address	Estimated Attendees
Monday, 10 September 2012	Information Briefing	Chamber of Commerce & Industry, Perth	65
Tuesday, 11 September 2012	Small Business Forum	Chamber of Commerce & Industry, Perth	40
Thursday, 13 September 2012	Volunteer & Not for Profit	Chamber of Commerce & Industry, Perth	60
Monday, 17 September 2012	Mining Forum	Chamber of Minerals & Energy, Perth	24
Tuesday, 9 October 2012	Asbestos	Marsden Jacob Offices, Perth	7

At each of the Perth forums, participants were assisted to work through a questionnaire based on the online survey. At the conclusion of the workshops various participants chose to either:

- submit their survey as a response to the consultation;
- provide their survey as a draft submission which they would take and improve; or
- produce a draft but did not want to submit it until it was signed off within their organisation.

## Regional forums

The regional forums were completed according to the timetable shown in Table 3.

The attendance rates reflect a combination of factors including the relative pools of people with relevant expertise and capacity to attend and the varying level of coordination between different industries. Across the regional areas, workshops were well attended by both Local Government and mining groups, while other industries tended to be less well organised.

**Table 3: Summary of regional forums held**

Date	Forum	Address	Estimated Attendees
Tuesday, 4 September 2012	Port Hedland	Lotteries House South Hedland	8
Wednesday, 5 September 2012	Broome	Mercure Hotel Broome	3
Friday, 7 September 2012	Geraldton	Geraldton Universities Centre	6
Wednesday, 12 September 2012	Albany	City of Albany Council Chambers	7
Friday, 14 September 2012	Bunbury	Highway Hotel Bunbury	18
Tuesday, 18 September 2012	Kalgoorlie	Chamber of Minerals and Energy Office Kalgoorlie	7
Wednesday, 3 October 2012	Merredin	C Y O'Connor Institute Merredin	11

Source: Marsden Jacob Analysis

## Written Submissions

A total of 44 written submissions have been provided. These submissions vary greatly in both size and detail of information provided.

## Survey Responses

Marsden Jacob developed two surveys (one general survey and one targeted specifically at small business) which were made available one week into the consultation period. The responses to this survey are summarised in Table 4.

**Table 4: Summary of survey response rates**

Survey	Total Responses	Estimate of responses with useable information
Full Survey	89	~66
Small Business Survey	26	~10

Of the response to the Full Survey, it is estimated that around three quarters include sufficient information to contribute to the RIS process. The proportion of responses to the Small Business Survey with sufficient information to contribute to the RIS process is lower and is estimated to be slightly under 50%.



## Appendix 2: Public consultation communication and activities

**Table 5: Summary of Public Consultation Communication and Activities – compiled by WorkSafe**

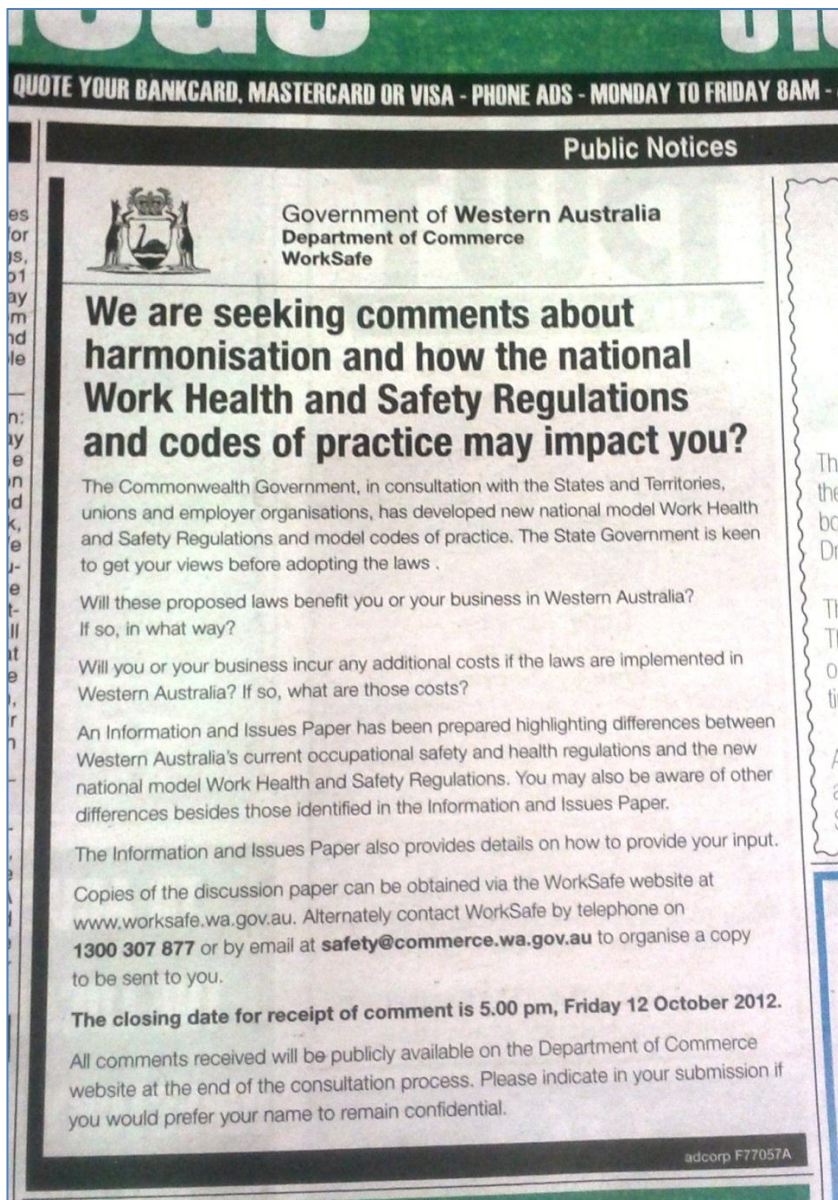
Date	Time	Details
16/8/12	10:05am	Brief Ministerial Statement by Minister O'Brien in the Legislative Council
17/8/12	8:50am	WorkSafe website goes live with links to Marsden Jacob website. Conversation with Alex Marsden confirming the Marsden Jacob website is functional.
	9:15am	Commissioner's media release issued and goes live on the website
	9:29am	OSH Alert issued to email subscribers
	~9:45am	Tweet – Media release
	~9:45am	Tweet – Marsden Jacob website details
	9.58	Email from Bill Mitchell to Mike Marinovich regarding amusement rides
	2:14pm	Email by Construction Regional and Primary Industries directorate to stakeholders
	2:23pm	Email by Marsden Jacob to Mining Associations
	3:01pm	Email by Marsden Jacob to Volunteering WA, NDS and Aged Care Services concerning a forum session
	3:17pm	Email by Marsden Jacob to WACOSS concerning a forum session
20/8/12	8:17am	Email to Process Engineers and Contractors Association
	12:55	Marsden Jacob email to CCIWA regarding forum arrangements
22/8/12		Mail-out to key stakeholders (approximately 160)
23/8/12	3:00pm	Marsden Jacob email to MTA concerning small business forum on 11 September 2012
	3:06pm	Marsden Jacob email to HIA, MBA and CCF concerning small business forum on 11 September 2012
	4:16pm	Marsden Jacob email to RSD concerning Mining forum to be held on 17 September 2012 at CME offices
24/8/12	11:01am	Email alert issued by RSD inclusive of WHS Regulations public comment process
25/8/12		Marsden Jacob – surveys to go on to the website for use by external parties

Date	Time	Details
27/8/12	10:39am	Marsden Jacob email to WASIA concerning regional forum dates
	3:53pm	Email to 140 Local Government authority CEOs encouraging participation in consultation process.
		RSD media release calling for comments on model WHS regulations.
28/8/12		Newspaper : Government Notices Harvey Reporter 17 Community newspapers
		OHS Bulletin – article on consultation process.
		Marsden Jacob email to Local Government Managers Association of WA concerning consultation process and regional forums
29/8/12		Newspaper : Government Notices (See example advertisement in Figure 1, below) Geraldton Guardian Kalgoorlie Miner Manjimup Bridgetown Times Narrogin Observer Northern Guardian Carnarvon Pilbara News Port Hedland North West Telegraph
30/8/12		Newspaper : Government Notices Albany Advertiser Broome Advertiser Bunbury South Western Times Kimberley Echo
31/8/12		Newspaper : Government Notices West Australian Newspaper : Government Notices Augusta Margaret River Times Busselton Dunsborough Times
		Email to CEOs of state government departments/agencies concerning consultation period.
4/9/12		Forum conducted in Port Hedland by Marsden Jacob, held at South Hedland Lotteries House
5/9/12		Forum conducted in Broome by Marsden Jacob, held at Mercure Hotel Broome

Date	Time	Details
6/9/12		Letter sent to Licensed Restricted Asbestos Removalists (~884) concerning public consultation process with information detailing specific changes applicable to them
7/9/12		Forum conducted in Geraldton by Marsden Jacob, held at Universities Centre
		FarmSafe WA eNewsletter for September 2012 contained advertising
10/9/12		Information session for small businesses conducted at CCIWA by Ian Munns and Marsden Jacob
		Email to sent to Licensed Restricted Asbestos Removalists (~884) supporting letter from WSWA Commissioner letter of 6/9/12 with relevant links concerning public consultation process with information detailing specific changes applicable to them
		Email to Licensed Unrestricted Asbestos Removalists (14) from WSWA Commissioner advising of Information and Issues paper
11/9/12		Forum conducted at CCIWA for small businesses by Marsden Jacob
		Department of Mines and Petroleum, E-News September 2012 edition – article titled One step closer to harmonised mining regulations – mentions the RIS review by WorkSafe
12/9/12		Forum conducted in Albany by Marsden Jacob at City of Albany Council Chambers
13/9/12		Forum conducted by Marsden Jacob at CCI WA for not-for-profit sector with focus on volunteering
14/9/12		Forum conducted in Bunbury by Marsden Jacob at the Highway Hotel
		Resources Safety Email alert includes reminder about consultation process
		Letters sent to the Drycleaners Industry Australia and Professional Drycleaners Association highlighting changes to HRWL requirements for boilers
17/9/12		Mining forum conducted by Marsden Jacob at CME's premises, St George's Terrace
18/9/12		Forum conducted in Kalgoorlie by Marsden Jacob at CME's premises (115 Egan St, Kalgoorlie)
		Commissioner's media release – reminder about the consultation process
	~10:25am	Tweet of Commissioner's media release
	2:02pm	OSH Alert email containing reminder of public consultation process and referring to Commissioner's media release
		St John Ambulance – Email advice about lead notifications for emergency services. The relevant regulations are 392, 394 and 403(4) & (5)

Date	Time	Details
19/9/12		OSH Alert article concerning the time remaining to provide comment during WA process
		Visit to FIFWA to encourage comment from Forestry Industry.
		Presentation to Disability Services Commission which included encouragement to make a submission.
20/9/12	1:11pm	Marsden Jacob email to demolition entities concerning model WHS regulations content on asbestos removal. Meeting/discussion proposed.
21/9/12		Email alert by RSD which included a reminder of public comment period.
26/9/12		AMEC article in September edition of their Explorer newsletter.

Figure 1: Example newspaper advertisement



Source: Broome Advertiser, Page 24, 30 August 2012.

## Appendix 3: WorkSafe's methodology for identifying changes in regulations



Government of **Western Australia**  
Department of **Commerce**



15 November 2012

Our Ref: A4585891

Enquiries: 08 - 9327 8693

Mr Alex Marsden  
Senior Consultant  
Marsden Jacob Associates  
Level 1, 220 St. Georges Tce  
Perth WA 6000,  
Australia

Dear Mr Marsden

Thank you for your recent request for information about how WorkSafe determined the issues in the Public Discussion Paper for the Western Australian assessment of the Model Work Health and Safety Regulations and codes of practice (the model WHS regulations package).

During the development of the model WHS regulations package, WorkSafe identified additional or new requirements that would be applied in Western Australian workplaces compared to the existing Occupational Safety and Health Regulations 1996. Over time these requirements developed into the list of items presented in the Discussion Paper.

It was recognised that stakeholders were likely to have views about requirements in the model WHS regulation package in addition to those identified by WorkSafe. As a result, the Discussion Paper encouraged stakeholders to provide details about the impact on their workplace of any other requirements they may have identified.

Yours sincerely

Ian Munns  
**DIRECTOR POLICY AND EDUCATION**

Westcentre 1260 Hay Street West Perth Western Australia 6005  
Telephone (08) 9327 8777  
Po Box 294 West Perth Western Australia 6872  
safety@commerce.wa.gov.au  
www.commerce.wa.gov.au

## Appendix 4: Comparison of consultation responses to WA industry profile

---

To consider the success of the consultation process and validity of the responses as a representative sample of West Australian businesses, we can compare the profile of the respondents to the profile of West Australian businesses, employment and population.

The profile of respondents is compared to WA industry employment and population profiles using the following comparisons:

- WA industry profile and respondent profile, by industry;
- employment in the private sector by business size, WA compared to respondents;
- geographical distribution of respondents by remoteness index; and
- respondent profile by proportion of single & multi state businesses.

We consider these in turn below.

### Comparison by industry profile

The consultation process was relatively successful in obtaining views that represent the range of WA industries, when compared against the state profiles for business numbers and employment by industry. Industry classifications are based on the Australian and New Zealand Standard Industrial Classification 2006 (ANZSIC 2006) categories.

As can be seen in Table 6 and Figure 2 below, the consultation process has generally succeeded in gaining responses that achieve broad coverage of WA industry. Over-represented industries in the consultation process include Other Services,<sup>1</sup> Public Administration & Safety, and to a lesser degree Mining and Electricity Gas, Water & Waste.

Under or un-represented industries include Wholesale Trade, Retail Trade, Accommodation & Food Services, Financial & Insurance Services and Rental, Hiring & Real Estate Services.

---

<sup>1</sup> This is likely to be due to two reasons. The first is that companies unsure of their industry category are likely to answer “Other Services”. The second reason relates to the number of associations that responded during the consultation process.

**Table 6: Comparison of WA industry profile and respondent profile, by industry**

Industry (ANZSIC 2006)	WA business numbers	WA employment by industry	Consultation respondents
	%	%	%
Agriculture, Forestry and Fishing	9	3	1
Mining	1	9	11
Manufacturing	4	7	8
Electricity, Gas, Water and Waste Services	0	2	4
Construction	19	10	18
Wholesale Trade	3	3	0
Retail Trade	6	10	0
Accommodation and Food Services	3	5	0
Transport, Postal and Warehousing	6	4	4
Information Media and Telecommunications	1	1	1
Financial and Insurance Services	9	3	1
Rental, Hiring and Real Estate Services	10	2	1
Professional, Scientific and Technical Services	12	8	8
Administrative and Support Services	4	4	1
Public Administration and Safety	0	5	12
Education and Training	1	8	6
Health Care and Social Assistance	4	11	8
Arts and Recreation Services	1	2	3
Other Services	4	4	16

Notes: Only counts respondents who indicated their industry in a written response, survey or workshop. This excludes attendees at regional forums who only provided oral input.

Source: Employment data – ABS Labour Force, Australia, Detailed, Quarterly (6291.0.55.003), Total Employment, August 2012. Business numbers - ABS Counts of Australian Businesses, including Entries and Exits, Jun 2007 to Jun 2011, WA business numbers at end June 2011

**Figure 2: Comparison of WA industry profile by business numbers and employment with consultation respondent profile by industry**



### Comparison by business size

We have been fairly successful in gaining a representative sample of small business respondents in comparison to the proportion of employment in small businesses in WA.

To compare the business profile of consultation responses to WA, we have had to rely on 2001 data for WA small business employment. In 2001, 49.4% of employment in the private sector was in small businesses (this number includes own account workers). This compares relatively favourably to 39% for consultation respondents.

However, when compared to the number of small businesses as a share of the total number of businesses (96%), the 39% consultation rate appears relatively low.

**Table 7: Employment in the private sector by business size**

	WA number of businesses by business size	WA employment by business size	Consultations
	%	%	%
Small business (less than 20 people)	96	49	39
Medium and large enterprises	4	51	61

Source: ABS Small Businesses in Australia 1321.0 (2001). Note: the WA figures for employment by business size exclude agricultural businesses. The WA figures exclude the public sector.

### Comparison by remoteness index

The consultation process was quite successful in achieving a balance across remoteness areas. For example, 71.6% of the WA population resided in Major Cities in the 2006 Census of Population and Housing and 75.7% of respondents provided postcodes that were in Major Cities according to the ABS ASGC Remoteness Areas classification.

Inner Regional and Outer Regional respondents were a little under-represented, while Very Remote respondents were slightly over-represented.

**Table 8: Geographical distribution of respondents across areas**

ASGC Remoteness Areas classification	WA population 2006 Census	Respondents Profile
	%	%
Major Cities	71.6	75.7
Inner Regional	12.5	7.9
Outer Regional	9.2	5.7
Remote	4.4	4.3
Very Remote	2.2	6.4

Notes: Only counts respondents who provided a WA postcode in a written response, survey or workshop. This excludes attendees at regional forums who only provided oral input.

### Comparison by proportion of single & multi state businesses

In total, 55% of the businesses that responded to the survey or provided written responses were WA only businesses (88 businesses). A further 30% of responding businesses were multi state



businesses, with employees in both WA and other states. The remaining 15% of respondents did not provide information on whether they were a WA only or multi state business.

**Table 9: Comparison by proportion of single and multi state businesses**

	WA only	Multi state	n/a	Total
Number of businesses	88	47	24	159
Proportion	55%	30%	15%	

## Appendix 5: Calculation of impact of regulation changes

Marsden Jacob used two alternative methods for calculating the cost impact of the regulation changes. The method used depended on the nature of the change and the data available to estimate the total cost and direct benefit of each change in regulation:

1. estimates based on individual costs; and
2. estimates based on cost impacts per business.

### Estimates based on individual costs

Through workshops and interviews Marsden Jacob obtained estimates of key factors such as:

- the number of workers who would require training;
- the number of days of additional training required ;  
(i.e., new training requirements – current training requirements);
- the estimated cost of additional training  
(i.e., new training requirements – current training requirements); and
- the turnover of staff given in staff time in role (years).

First year cost impact =  $\boxed{\text{Cost of training}} + \boxed{\text{Value of staff time}}$

Where:

$\boxed{\text{Cost of training}} = \boxed{\text{number of workers}} \times \boxed{\text{cost of training course}}$

$\boxed{\text{Value of staff time}} = \boxed{\text{number of workers}} \times \boxed{\text{course duration (hours)}} \times \boxed{\text{staff hourly wage rate}}$

Ongoing Cost impact =  $\boxed{\text{Cost of training}} + \boxed{\text{Value of staff time}}$

Where:

$\boxed{\text{Cost of training}} = \boxed{\text{number of workers}} \times \boxed{\text{cost of training course}} \times \boxed{1/\text{staff time in role (years)}}$

$\boxed{\text{Value of staff time}} = \boxed{\text{number of workers}} \times \boxed{\text{course duration (hours)}} \times \boxed{\text{staff hourly wage rate}} \times \boxed{1/\text{staff time in role (years)}}$

## Estimates based on cost impacts per business

### Cost impact per business

Through the online survey and workshops Marsden Jacob obtained estimates for each regulation change.

Estimates were provided for individual businesses for:

- current costs – the cost of compliance with the current regulations given as an average costs in terms of staff time, management time and consultant fees per annum;
- changeover costs – the costs of transitioning to the new requirements in staff time, management time and consultant fees per annum (this appears as an increase in costs that will occur in Year 1); and
- ongoing costs in staff time, management time and consultant fees per annum (this appears as the annual cost of compliance from Year 2 onwards).

First year cost impact =  $\boxed{\text{Changeover costs}} + \boxed{\text{ongoing costs}} - \boxed{\text{current costs}}$

Ongoing Cost impact =  $\boxed{\text{ongoing costs}} - \boxed{\text{current costs}}$

Where multiple responses were received by different businesses in a given industry these cost impacts were averaged.

### Total cost per industry

To identify the total cost of regulatory changes for each industry the average cost impact per employee was identified and scaled to match WA's industry profile, as summarised in Table 10.

**Table 10: Current WA industry profile**

Industry	Business Size (employees)			
	Non employing	1-19	20-199	200+
Agriculture, Forestry and Fishing	13,314	6,112	521	12
Mining	1,701	1,063	227	62
Manufacturing	4,356	4,294	1,003	62
Electricity, Gas, Water and Waste Services	322	255	47	9
Construction	28,677	11,991	1,010	77
Wholesale Trade	3,493	3,016	493	22
Retail Trade	5,721	6,999	1,337	53
Accommodation and Food Services	1,994	3,769	1,515	67
Transport, Postal and Warehousing	10,216	3,285	360	39
Information Media and Telecommunications	920	407	63	12
Financial and Insurance Services	15,064	3,383	218	12
Rental, Hiring and Real Estate Services	18,985	2,973	439	9
Professional, Scientific and Technical Services	14,502	10,021	758	45
Administrative and Support Services	4,530	2,793	551	100
Public Administration and Safety	345	221	78	6
Education and Training	1,349	828	188	23
Health Care and Social Assistance	4,973	3,733	409	49
Arts and Recreation Services	1,545	671	104	6
Other Services	4,652	4,629	320	23

Source: Australian Bureau of statistics 8165.0 - Counts of Australian Businesses, including Entries and Exits, Jun 2007 to Jun 2011 Businesses by Industry Class by Main State by Employment Size Ranges, 2010-11 – using figures for operating at end of financial year.

In scaling the individual business costs for other sizes of business within the industry the assumed number of employees was as set out in Table 11.

**Table 11: Assumed number of employees for each business size**

Size grouping	Business Size (employees)			
	Non employing	1-19	20-199	200+
Assumed number of employees	1	10	110	400

The total cost per change per industry is the sum of the cost impact of the change for each business size, where the cost impact of the change for each business size equals

$\boxed{\text{the average cost per employee}} \times \boxed{\text{assumed number of employees}} \times \boxed{\text{number of businesses}}$

Total cost impact per change per year

Industry 1 + Industry 2 + ... Industry  $n$

## Appendix 6: Workshop version of survey

---

**MINING WORKSHOP**

17 SEPTEMBER 2012

### Work Health and Safety Harmonisation – Industry Survey

Consultation undertaken for WorkSafe WA

## Introduction

---

The WA Government has commissioned Marsden Jacob Associates, consulting economists, to assess the benefits and costs of proposed changes to Work Health and Safety regulations and codes. To complete this we need information from you on how the proposed changes affect a typical business or organisation in your industry.

Planned changes implement an agreement between all States and the Commonwealth for uniform occupational health and safety across Australia. New laws are needed in each State to introduce the changes.

### What is required of me?

We would like you to study and comment on the regulations and codes of practice that would come into force with these changes.

This information will help estimate the benefits and costs of the changes, both individually and for the whole package, on WA workplaces and industry.

All the information given in this survey is strictly confidential. Information gained will be reported, but particulars omitted.

### Key proposed changes

WorkSafe WA identified the following broad areas where adopting the proposed regulations would mean changes in work practices:

- Asbestos
- Construction projects
- Diving work
- Fall prevention
- Hazardous chemicals
- High Risk Work Licences
- Incident notification
- Lead risk work
- Noise
- Personal Protection Equipment
- Plant
- Spray painting
- Thermal comfort

As well as these changes, the model Work Health and Safety laws use a number of new terms and definitions, such as "workers", "workplace" and "person conducting an undertaking or business" (often called PCBU).





**CQ2. What specifically does the business do?**

---

---

**CQ3. What is the approximate annual OSH compliance cost of the typical business? (\$)**

\$ \_\_\_\_\_

**CQ4. What is the approximately annual revenue for the typical business? (\$ million)**

\$ \_\_\_\_\_ million

**CQ5. About how many people work for the typical business or organisation in WA?**

Estimated number: \_\_\_\_\_

Comment: \_\_\_\_\_

**CQ6. Does the typical business or organisation operate only in WA (please tick)?**

- Only in WA
- In WA and one other State
- In a number of States and Territories

**CQ7. About how many people work for the typical business or organisation interstate?**

Estimated number: \_\_\_\_\_

Comment: \_\_\_\_\_

**CQ8. Where is the typical business located in WA (please circle)?**

**Metropolitan Perth                  Regional centre                  Rural WA                  Remote area**

Other descriptors:

---

---

---

## Top Benefits and Costs

WorkSafe found 38 changes 14 broad areas that may affect work practices in WA.

<b>Asbestos</b>	<ul style="list-style-type: none"> <li>▪ Air monitoring and clearance</li> <li>▪ Analysis of samples</li> <li>▪ Certified safety management systems</li> <li>▪ Naturally Occurring Asbestos</li> <li>▪ Register</li> <li>▪ Removal – Notifications</li> <li>▪ Removal licences</li> <li>▪ Training</li> </ul>
<b>Construction projects</b>	<ul style="list-style-type: none"> <li>▪ Appointment of a principal contractor</li> </ul>
<b>Diving work</b>	<ul style="list-style-type: none"> <li>▪ Diving work</li> </ul>
<b>Fall prevention</b>	<ul style="list-style-type: none"> <li>▪ Fall prevention</li> </ul>
<b>Hazardous chemicals</b>	<ul style="list-style-type: none"> <li>▪ “Restricted hazardous chemicals” – Crystalline silica silicon dioxide</li> <li>▪ Classification, labels, MSDS and controls</li> <li>▪ Import</li> <li>▪ Risk assessment and record keeping</li> <li>▪ Therapeutic goods and agricultural veterinary (agvet) chemicals</li> <li>▪ Health monitoring – Reports to the regulator</li> </ul>
<b>High Risk Work Licences (HRWL)</b>	<ul style="list-style-type: none"> <li>▪ Boilers (pressure equipment)</li> <li>▪ Concrete placing boom</li> <li>▪ Dogging and “slinging techniques”</li> <li>▪ Exemptions</li> <li>▪ Reach stacker</li> </ul>
<b>Incident notification</b>	<ul style="list-style-type: none"> <li>▪ Prescribed serious illnesses</li> </ul>
<b>Lead risk work</b>	<ul style="list-style-type: none"> <li>▪ Lead risk work</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>▪ Audiometric testing</li> <li>▪ Managing risks</li> </ul>
<b>Personal protective clothing and equipment (PPE)</b>	<ul style="list-style-type: none"> <li>▪ Personal protective clothing and equipment (PPE)</li> </ul>
<b>Plant</b>	<ul style="list-style-type: none"> <li>▪ Item of plant registration – Renewals</li> <li>▪ Amusement devices</li> <li>▪ Design registration – Concrete placement units with delivery booms</li> <li>▪ Design verification – Cranes</li> <li>▪ Design verification – Pressure vessels</li> <li>▪ Import</li> <li>▪ Item of plant registration</li> <li>▪ Mobile and tower cranes</li> <li>▪ Registration – Prefabricated formwork and boom type concrete placement units</li> </ul>
<b>Spray painting</b>	<ul style="list-style-type: none"> <li>▪ Spray painting, welding, abrasive blasting, isocyanates and styrene</li> </ul>
<b>Thermal comfort</b>	<ul style="list-style-type: none"> <li>▪ Thermal comfort</li> </ul>
<b>Definitions in the Act</b>	<ul style="list-style-type: none"> <li>▪ Definitions of a “workplace”, “worker”, “employer”, and “Person conducting business or undertaking (PCBU)”</li> </ul>

Please note that the above list is not necessarily exhaustive. Please identify any other issues you wish to comment on.

**TBC1. Thinking of these changes, rank the top three in terms of BENEFITS for a typical business.**

Main change	
Second change	
Third change	

If you would like to nominate another change (not listed) then please specify:

---

**TBC2. Thinking of these changes, rank the top three in terms of COSTS for a typical business.**

Main change	
Second change	
Third change	

If you would like to nominate another change (not listed) then please specify:

---

## Main change for benefits

Please write the change you identified as the main change for BENEFITS here:

--

**1. What will be the impact of this change in a typical business on (please tick):**

	Significantly makes things worse (more than 20%)	Somewhat makes things worse (between 5 and 20%)	Slightly makes things worse (up to 5%)	Little effect (0%)	Slightly improves things (up to 5%)	Somewhat improves things (between 5 and 20%)	Significant improvement (more than 20%)	I am unsure what effect it will have
Likelihood of injury, death or illness in a workplace								
Ease of compliance with OSH								
Other changes (please specify) _____								

**2. If you can quickly estimate the annual costs of existing OSH regulations in a typical business in this area please provide these:**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**3. What changeover costs do you expect a typical business will incur to meet the proposed regulations in this area? (Note: Ongoing effects are asked in a separate question)**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**4. What is the basis of these estimates (please tick)?**

- Own estimates
- Budgeted costs
- Other

If other, please specify \_\_\_\_\_

**5. What ongoing costs do you expect a typical business will incur under the proposed regulations in this area?**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**6. What is the basis of these estimates?**

- Own estimates
- Budgeted costs
- Other

If other, please specify \_\_\_\_\_

**7. Based on your understanding of work practices in WA and the eastern States, are these practices:**

- Largely the same
- A little different
- Significantly different
- Don't know

If different, please describe  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Second change for benefits

Please write the change you identified as the second change for BENEFITS here:

--

**1. What will be the impact of this change in a typical business on (please tick):**

	Significantly makes things worse (more than 20%)	Somewhat makes things worse (between 5 and 20%)	Slightly makes things worse (up to 5%)	Little effect (0%)	Slightly improves things (up to 5%)	Somewhat improves things (between 5 and 20%)	Significant improvement (more than 20%)	I am unsure what effect it will have
Likelihood of injury, death or illness in a workplace								
Ease of compliance with OSH								
Other changes (please specify) _____								

**2. If you can quickly estimate the annual costs of existing OSH regulations in a typical business in this area please provide these:**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**3. What changeover costs do you expect a typical business will incur to meet the proposed regulations in this area? (Note: Ongoing effects are asked in a separate question)**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**4. What is the basis of these estimates (please tick)?**

- Own estimates
- Budgeted costs
- Other

If other, please specify \_\_\_\_\_

**5. What ongoing costs do you expect a typical business will incur under the proposed regulations in this area?**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**6. What is the basis of these estimates?**

- Own estimates
- Budgeted costs
- Other

If other, please specify \_\_\_\_\_

**7. Based on your understanding of work practices in WA and the eastern States, are these practices:**

- Largely the same
- A little different
- Significantly different
- Don't know

If different, please describe  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Third change for benefits

Please write the change you identified as the third change for BENEFITS here:

--

**1. What will be the impact of this change in a typical business on (please tick):**

	Significantly makes things worse (more than 20%)	Somewhat makes things worse (between 5 and 20%)	Slightly makes things worse (up to 5%)	Little effect (0%)	Slightly improves things (up to 5%)	Somewhat improves things (between 5 and 20%)	Significant improvement (more than 20%)	I am unsure what effect it will have
Likelihood of injury, death or illness in a workplace								
Ease of compliance with OSH								
Other changes (please specify) _____								

**2. If you can quickly estimate the annual costs of existing OSH regulations in a typical business in this area please provide these:**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**3. What changeover costs do you expect a typical business will incur to meet the proposed regulations in this area? (Note: Ongoing effects are asked in a separate question)**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**4. What is the basis of these estimates (please tick)?**

Own estimates



Budgeted costs

Other

If other, please specify \_\_\_\_\_

**5. What ongoing costs do you expect a typical business will incur under the proposed regulations in this area?**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**6. What is the basis of these estimates?**

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**7. Based on your understanding of work practices in WA and the eastern States, are these practices:**

Largely the same

A little different

Significantly different

Don't know

If different, please describe

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Main change for costs

Please write the change you identified as the main change for COSTS here:

--

**1. What will be the impact of this change in a typical business on (please tick):**

	Significantly makes things worse (more than 20%)	Somewhat makes things worse (between 5 and 20%)	Slightly makes things worse (up to 5%)	Little effect (0%)	Slightly improves things (up to 5%)	Somewhat improves things (between 5 and 20%)	Significant improvement (more than 20%)	I am unsure what effect it will have
Likelihood of injury, death or illness in a workplace								
Ease of compliance with OSH								
Other changes (please specify) _____								

**2. If you can quickly estimate the annual costs of existing OSH regulations in a typical business in this area please provide these:**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**3. What changeover costs do you expect a typical business will incur to meet the proposed regulations in this area? (Note: Ongoing effects are asked in a separate question)**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**4. What is the basis of these estimates (please tick)?**

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**5. What ongoing costs do you expect a typical business will incur under the proposed regulations in this area?**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**6. What is the basis of these estimates?**

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**7. Based on your understanding of work practices in WA and the eastern States, are these practices:**

Largely the same

A little different

Significantly different

Don't know

If different, please describe

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Second change for costs

Please write the change you identified as the second change for COSTS here:

--

**1. What will be the impact of this change in a typical business on (please tick):**

	Significantly makes things worse (more than 20%)	Somewhat makes things worse (between 5 and 20%)	Slightly makes things worse (up to 5%)	Little effect (0%)	Slightly improves things (up to 5%)	Somewhat improves things (between 5 and 20%)	Significant improvement (more than 20%)	I am unsure what effect it will have
Likelihood of injury, death or illness in a workplace								
Ease of compliance with OSH								
Other changes (please specify) _____								

**2. If you can quickly estimate the annual costs of existing OSH regulations in a typical business in this area please provide these:**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**3. What changeover costs do you expect a typical business will incur to meet the proposed regulations in this area? (Note: Ongoing effects are asked in a separate question)**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**4. What is the basis of these estimates (please tick)?**

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**5. What ongoing costs do you expect a typical business will incur under the proposed regulations in this area?**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**6. What is the basis of these estimates?**

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**7. Based on your understanding of work practices in WA and the eastern States, are these practices:**

Largely the same

A little different

Significantly different

Don't know

If different, please describe

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Third change for costs

Please write the change you identified as the third change for COSTS here:

--

1. What will be the impact of this change in a typical business on (please tick):

	Significantly makes things worse (more than 20%)	Somewhat makes things worse (between 5 and 20%)	Slightly makes things worse (up to 5%)	Little effect (0%)	Slightly improves things (up to 5%)	Somewhat improves things (between 5 and 20%)	Significant improvement (more than 20%)	I am unsure what effect it will have
Likelihood of injury, death or illness in a workplace								
Ease of compliance with OSH								
Other changes (please specify) _____								

2. If you can quickly estimate the annual costs of existing OSH regulations in a typical business in this area please provide these:

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

3. What changeover costs do you expect a typical business will incur to meet the proposed regulations in this area? (Note: Ongoing effects are asked in a separate question)

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

4. What is the basis of these estimates (please tick)?

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**5. What ongoing costs do you expect a typical business will incur under the proposed regulations in this area?**

Total management time? (Hrs)	
Total staff time? (Hrs)	
Consultant and other costs? (\$)	

**6. What is the basis of these estimates?**

Own estimates

Budgeted costs

Other

If other, please specify \_\_\_\_\_

**7. Based on your understanding of work practices in WA and the eastern States, are these practices:**

Largely the same

A little different

Significantly different

Don't know

If different, please describe

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## General benefits and costs of harmonisation

---

**GBC1. Thinking about the whole package of changes, will they lead to any changes in health and safety for the typical business/workplace (please tick)?**

- Overall, the changes will lead to an improvement in health and safety
- Overall, there will be negligible or no change in health and safety
- Overall, there will be a reduction in health and safety

If so, then how much and in what way(s)

---

---

**GBC2. Thinking about the whole package, will the changes provide other benefits, such as more efficient work (please tick)?**

- Yes
- No

If so, then how much and in what way(s)

---

---

**GBC3. Do you believe there will be additional compliance or other costs for the typical business because of additional or new requirements in the whole package of changes (please tick)?**

- Yes
- No

If so, then how much and in what way(s)

---

---

**GBC4. Will the additional or new requirements in all the changes have any market or competition impacts on your business (please tick)?**

- Yes
- No

If so, then how much and in what way(s)

---

---



## Transitional Provisions

When laws and regulations are changed, the arrangements and timings for introducing and enforcing the new laws are often referred to as transitional provisions. The transitional provisions used can have a significant impact on the changeover costs for both Government and businesses.

### TP1. Would alternative transitional arrangements be justified when making these changes?

Yes

No

### TP2. Which 3 changes would altered transitional provisions provide the greatest benefit to?

1st change	
2nd change	
3rd change	

### TP3. What do you think would be the most effective way to reduce these implementation costs (please tick)?

	1st Change	2nd Change	3rd Change
Delaying implementation 1-2 years			
Delaying implementation 3-5 years			
Delaying implementation by more than 5 years			
Having a 'staggered start' (such as short-term exemptions for some industries)			
Having a 'staggered start' (such as short-term exemptions for smaller businesses)			
Recognition and accreditation of prior experience and learnings			
Preparation of additional guidance or codes of practice prior to implementation			
Other (please specify) _____			

### TP4. How much would these ways of reducing implementation costs save?

	1st Change	2nd Change	3rd Change
In annual \$ costs			
In annual hours			