

## WAFIC Submission

Statutory Review of Occupational Safety and Health Legislation

### Western Australian Fishing Industry Council (WAFIC) Submission

#### Introduction:

The Western Australian Fishing Industry Council (WAFIC) is the peak industry body representing the commercial fishing industry, pearling and aquaculture. Formed in 1968, its membership comprises professional industry associations and individual industry companies.

WAFIC began work developing an OH&S Industry Code in 1992. The first edition was released in 1997. An update to the Code was released in 2003. Over the last 15 years, WAFIC have developed numerous supporting resources, including crew induction manuals and videos, industry specific diving guidelines and industry best practice manuals and videos and customized risk management training.

The WAFIC Industry Code has been extended nationally and a current Fisheries Research and Development Corporation (FRDC) project is funding this initiative. Similarly, the FRDC has funded WAFIC projects to develop accident statistics reporting and industry code uptake evaluation tools.

From a national and indeed, international perspective, the completed and ongoing work of WAFIC in fishing industry OH&S is without parallel.

As a result, WAFIC recognize the importance and relevance of regular statutory reviews of Occupational Safety and Health legislation in Western Australia.

Similarly, WAFIC recognizes and supports recent approaches taken by the WorkSafe Commission with respect to individual industry focused working groups and a general acceptance and recognition of a risk assessment based approach to workplace health and safety management.

#### Discussion Paper:

With reference to the questions derived from the Review Discussion Paper of March 2006, WAFIC supports the submission of the Chamber of Commerce of WA.

As they relate specifically to the fishing industry appending comments and observations are tabled below.

#### **Q1. How might the Commission more fully exercise its statutory functions?**

The Commission should continue its recent efforts to engage with and consult with industry.

Ongoing dialogue with industry, through its peak body, will continue to prove valuable to both the Commission and industry alike.

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The benefits gained from the formation and processes of the recent fishing industry working party are testimony to this.

**Q5. Are current tertiary courses in occupational health and safety adequate?**

This is unclear. The specialist nature of the fishing industry means that industry chooses to use a small number of highly experienced tertiary graduates.

**Q7. If there is to remain a substantial body of regulatory material, what practical alternatives exist to assist work participants with limited resources in understanding and complying with their obligations?**

Since 1992 WAFIC have offered (non mandatory) pre-season safety awareness sessions - along the length of the WA coastline - to members of industry. Until 2003 these sessions were primarily focused at raising awareness of the very basic concepts of OSH legislation, Duty of Care, and the industry code.

From 2003, the focus has shifted towards nationally recognized and AQF accredited competency based training using the units from the national Seafood Industry Training Package.

From these initiatives, including other industry specific forms of communication, there has been a significant increase in awareness - as recognized by the WorkSafe inspectorate.

More recently, industry members have taken the opportunity to participate in the WorkSafe ThinkSafe Small Business Assistance Program. WAFIC made the deliberate decision to elect a specialist, and experienced, consultant to service industry requirements under this program. Because of this, the outcomes from a ThinkSafe consultation build on, the participants' knowledge and understanding of the WAFIC Industry Code and industry based risk management training.

**Q47. Can retention of the present legislative and administrative restrictions on prosecutions concerning ETS exposure be justified, consistently with the objects of the OSH Act?**

The fishing industry recognizes the importance of the issues ETS with respect to confined spaces. Clarification of the issues of ETS with respect to exposed boat decks would be helpful.

**Q48. To what extent are codes of practice helpful or unhelpful?**

Section 57 Codes are useful for issues that fall outside the scope of the industry OH&S code.

The WAFIC Industry Code also recognizes the importance of a practicable and risk management based approach to workplace safety. This is particularly pertinent considering the unique and diverse nature of the fishing industry.

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**Q49. Ought codes of practice be more or less detailed?**

Simplicity and ease of comprehension should be a paramount consideration when developing any guidelines or codes that will be used by industry.

**Q50. Should WorkSafe consult in more detail with industry affected by codes of practice? Might such an enhanced consultation process include economic analyses of the likely cost impact of a code of practice?**

Producing a representative and workable code (and guidelines) for the WA fishing industry required a serious and sustained commitment by both industry and WAFIC.

To date, the financial cost to industry is in excess of \$1 million.

These facts underline the importance of consultation with industry, at all stages.

**Q51. Should the OSH Act be amended so to provide that non-compliance with a code of practice can give rise to, or conceivably shall give rise to, certain legal liability?**

The WA fishing industry has been aware of the evidentiary status of its Industry Code since the Codes' inception.