

## Overview of Key Changes Work Safety Act 2008

Key change	Refer to
<b>Part 2 - Operation of Act</b>	
Part 2 of the old Act was concerned the Occupational Health and Safety Council which now relates to part 9 of the new Act.	
One of the perceived main changes concerns the inclusion of volunteers under the meaning of worker. Examples of workers are also provided in this section including employees, independent contractors, outworkers and person's doing work experience placements	Section 9
Voluntary workers were alluded to in the old Act in that the Minister may declare a class of people may be specified as employed. This was previously mentioned in Section 8 of Part 1 of the old Act	
This part of the Act also concerns the operation of the Act and its objects and important concepts. It also contains some material relating to compliance and provides the meaning of safety, risk and employer.	Section 7 Section 8 Section 10
<b>Part 3 - Work safety duties</b>	
This part of the Act contains work safety duties which were previously outlined in part 4 of the old Act.	
Part 3 also identifies upstream duty holders such as: <ul style="list-style-type: none"> <li>• Duty of a person in control of design</li> <li>• Duties of a person in control of manufacture</li> <li>• Duties of a person in control of import and supply</li> </ul>	Section 24 Section 25 Section 26
Whilst the previous Act outlined the consequences of failure to comply with safety duties the new Act expands upon these duties with the use of <i>work safety risks</i> and <i>serious events</i> .	
An inclusion in this part of the Act relates to workers right to refuse work which they consider to be potentially dangerous.	Section 42
<b>Part 4 - Workplace arrangements</b>	
This part of the Act contains workplace arrangements which were previously dealt with in part 5. Both Acts deal with entry to workplaces by authorised representatives however, changes have been made concerning Health and Safety Committees in their respective parts but changes have been made to facilitate more flexible arrangements for such committees.	
The duty of the employer to consult has been broadened and a more proactive and instructional approach has been adopted to advise how a worker consultation unit can be established and reviewed, how workers can be consulted and a dispute mechanism included.	Section 46 – Section 57
<b>Part 5 - Enforcement powers</b>	
Part 5 of the Act was part 6 of the old Act and remains largely unchanged. Although the previous Act defined premises as a structure, building, aircraft, vehicle or vessel, premises that are vehicles now has its own special section.	Section 75

<b>Part 6 - Compliance measures</b>	
Part 6 of the Act was part 7 of the old Act and remains largely unchanged. Division 6.8 deals with Public sector workplace compliance measures.	Division 6.8
<b>Part 7 - Administrative review of decisions</b>	
Part 7 was previously part 8 of the old Act. However, various amendments have been made concerning internal reviews and the decision making process.	
<b>Part 8 - Administration</b>	
Part 8 of the Act was part 9 of the old Act and remains largely unchanged. The only amendment relates to a maximum penalty point increase from 1 penalty points to 10 penalty points if an inspector fails to return their identity card within 7 days of ceasing to be an inspector.	Section 181(2)
<b>Part 9 - Work safety council</b>	
As previously mentioned this part of the Act roughly relates to part 2 of the old Act.	
<b>Part 10 - Work safety commissioner</b>	
This part relates to part 3 of the old Act. There were only 9 parts of the previous Act. This part of the Act is an addition and concerns the appointment and various functions of the Work safety commissioner.	
<b>Part 11 - Chief executive and commissioner reports</b>	
This part of the Act is an addition and concerns the Chief executive's and Commissioner's annual and half-yearly reports	Section 208 - 210
<b>Part 12 - Information and evidence</b>	
This part of the Act is an addition. Much of this material was previously located in Part 10 - the Miscellaneous chapter of the old Act.	
<b>Part 13 - Proceedings and liability</b>	
This part of the Act is an addition. One of the main inclusions to this part and an addition to Act is the express right to private prosecution under the Act.	Section 218
<b>Part 14 - Miscellaneous</b>	
There is a substantial reduction of information in the miscellaneous component of the new Act. Much of this material has been dispensed with or integrated into previous parts of the Act such as Part 12 of the Act dealing with the use of protected information.	