

How is ALARP Embedded in the Work Health and Safety Act 2020?

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The principle of As Low As Reasonably Practicable (ALARP) is a core risk management approach that requires hazards to be eliminated or reduced to the lowest level that can reasonably be achieved. ALARP involves balancing the likelihood and severity of harm against the availability and suitability of control measures, and the cost of implementing those controls compared to the benefit gained (HSE, 2022). In Western Australia (WA), ALARP has been formally embedded into the *Work Health and Safety Act 2020* (WHS Act) via the legal duty of So Far As Is Reasonably Practicable (SFAIRP). Although the legislation refers to SFAIRP, it applies the same risk management approach as ALARP (WorkSafe WA, 2021).

As part two of ISPL's three-part Insight series on risk management principles in WA, this Insight moves from a general overview to looking at how the WHS Act ALARP requirements work in practice. Including how the WHS Act embeds ALARP into legal duties and operational decision-making, how the reasonably practicable test guides risk decisions, the responsibilities placed on Persons Conducting a Business or Undertaking (PCBUs), officers, and workers, and how regulators assess compliance. All while considering what these legislative changes mean for WA businesses, including the shift towards proactive, evidence-based safety management and the requirement to continually review and justify controls as knowledge, technology and work conditions evolve.

The final Insight in this series will then explore the role of ALARP in environmental regulation and management in WA, highlighting how the principles extend beyond workplace safety into broader environmental risk management.

ALARP in the *Work Health and Safety Act 2020*: Turing Principle Into Practice

The WHS Act integrates ALARP directly into its legislative framework, ensuring that risk management is not optional but rather a legal requirement:

- Section 17 requires duty holders to eliminate risks to health and safety, or where elimination is not reasonably practicable, to minimise those risks SFAIRP
- Section 18 defines what reasonably practicable means, establishing the test that duty holders must apply when making risk management decisions.
- Section 19 embeds ALARP through the primary duty of care, requiring PCBUs to ensure the health and safety of workers and other SFAIRP.



Figure 1 Theory & Practices (Drozdiryna, 2025)

The WHS Act section 5 introduces the term Person Conducting a Business or Undertaking (PCBU) to replace 'employer'. A PCBU can be:

- A sole trader
- A company
- An unincorporated association
- A government department

Whether a person or entity is considered a PCBU depends on the type of work they carry out and whether the activity is ongoing or organised as a



The WHS Act embeds ALARP in WA by legally requiring duty holders to eliminate or minimise risk so far as is reasonably practicable, through evidence-based decision-making, clear duties and ongoing review and enforcement.



business or undertaking. It is not determined by the formal legal structure of the organisation, such as whether it is a company, partnership or sole trader, but by the nature of the work being performed (WorkSafe WA, 2021). A PCBU owes a duty of care not only to direct employees, but to any person who may be affected by the work carried out, including contractors, subcontractors, labour hire workers, apprentices, trainees and volunteers (WorkSafe WA, 2021).

The WHS Act adopts a performance-based regulatory approach, meaning businesses are expected to justify their safety decisions using evidence rather than relying solely on prescriptive rules. PCBUs must be able to demonstrate how risks were identified, what control measures were considered, and why particular measures were implemented or rejected (WorkSafe WA, 2021).



Figure 2 The Reasonably Practicable Test
(Image created using Canva AI generator)

The Reasonably Practicable Test: The Roadmap for Decision-making

Section 18 of the WHS Act sets out the factors that must be considered when determining what is reasonably practicable. Duty holders are required to consider:

- The likelihood of the hazard or risk occurring.
- What the person knows, or ought reasonably to know, about the hazard and available controls.
- The availability and suitability of ways to eliminate or minimise risk.
- The cost of implementing additional controls, including whether that cost is grossly disproportionate to the risk reduction achieved (AustLII, 2020).

The inclusion of the grossly disproportionate test means that a business cannot avoid implementing a safety control simply because it involves cost. Cost is only a valid reason for not implementing a control where it is clearly significantly greater than the safety benefit the control would provide. In practice, this means that if a control substantially reduces the risk of serious harm, it is generally expected to be implemented even where the financial cost is high (WorkSafe WA, 2021).

Rather than being a precise financial calculation, the grossly disproportionate test relies on a reasoned judgment that considers the level of risk being reduced. As the likelihood or severity of potential harm increases, the level of cost and effort that a business is expected to invest in risk reduction also increases. (WorkSafe WA, 2021).

Putting ALARP into Workplace Practice

The WHS Act requires businesses to adopt a structured and proactive approach to managing risks. In practice, this includes:

- Identifying hazards early and systematically,
- Assessing risks based on likelihood and severity,
- Selecting controls using the hierarchy of control,
- Implementing controls and allocating appropriate resources,
- Monitoring and reviewing controls to ensure ongoing effectiveness.

The hierarchy of control, set out in Section 36 of the WHS (General) Regulations 2022, requires duty holders to prioritise higher-order controls such as



Figure 3 Putting ALARP into Workplace Practice
(Image created using Canva AI generator)



elimination, substitution and engineering controls over administrative measures and personal protective equipment (PPE) (DMIRS, 2022).

Businesses are expected to maintain up-to-date risk registers, review records, and decision-making documentation that demonstrate higher-order controls were considered first, including references to relevant industry Codes of Practice. Reliance on low-level controls without justification is no longer acceptable, and documentation must show why more effective measures were not reasonably practicable (DMIRS, 2022).

Shared Responsibility: Everyone Has a Role in ALARP

The WHS Act establishes ALARP as a shared responsibility across multiple duty holders. PCBU responsibilities:

- PCBUS hold primary responsibility for managing risks and ensuring compliance with SFAIRP duties.

Officer due diligence

Officers, including company directors and senior managers, must exercise due diligence to ensure the PCBU complies with its WHS obligations. This includes:

- Acquiring and keeping up to date knowledge of WHS matters.
- Understanding the nature of the business and associated hazards.
- Ensuring appropriate resources and processes are available and used.
- Ensuring systems exist for receiving and responding to hazard and incident information (WorkSafe WA, 2025b).

Workers duties

- Workers must take reasonable care for their own health and safety, comply with reasonable instructions, and report hazards and incidents.

For businesses, this shared structure means senior leaders must be actively engaged in safety management, understanding organisational risks and ensuring adequate resources are allocated.

Enforcement: How Inspectors Ensure ALARP is Achieved

WorkSafe WA enforces ALARP by assessing whether businesses can justify their safety decisions and demonstrate that risks have been managed SFAIRP. Inspectors may issue improvement or prohibition notices where this standard has not been met.

Section 30A of the WHS Act introduced the offence of industrial manslaughter, carrying severe penalties where negligent conduct causes a workplace death. Penalties include up to 20 years imprisonment and fines of up to \$5 million for individuals and a maximum of 10 million for body corporates (WorkSafe WA, 2025a).

In the event of a serious incident, businesses must be able to demonstrate that every reasonably practicable step was taken to prevent harm. This requires current and robust evidence, including risk assessments, consultation records, maintenance logs and documented decision-making processes. Without this evidence, regulators may conclude that SFAIRP has not been met (WorkSafe WA, 2025a).

Regulation and Codes: Turning ALARP into Practical Guidance

The WHS Regulations and approved Codes of Practice provide practical guidance on how to meet SFAIRP. Regulations prescribe mandatory requirements for specific high-risk activities, while Codes of Practice outline accepted methods and examples for managing risks effectively (Safe Work Australia, 2025). Although Codes of Practice are not legally binding, courts and regulators may regard them as evidence of what is known about a risk and what control measures are reasonably practicable (Safe Work Australia, 2025).



Figure 4 ALARP Shared Responsibility
(Image created using Canva AI generator)



For businesses, Codes and Regulations should be treated as a baseline, not a ceiling. Where the level of warrants stronger controls, PCBUs must implement additional measures to demonstrate SFAIRP, even where this goes beyond Code recommendations.

Understanding how ALARP is embedded in the WHS Act is critical for organisations operating in Western Australia. The shift toward evidence-based, performance-driven safety regulation requires businesses to actively justify risk management decisions, maintain robust documentation, and continually review and improve control measures. If your organisation requires support or advice on embedding ALARP into its health and safety systems, please contact us at enquiries@integratesustainability.com.au or call 08 9468 0338.



Figure 5 Safety Regulations (Inspiring, 2025)

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