

Safe Work Australia Bill 2008 – Creating a National OH&S Scheme

On 4 September 2008, the Minister for Employment and Workplace Relations – Julia Gillard, introduced a Bill into the House of Representatives concerning occupational health and safety for its second reading. The Minister stated:

“The purpose of this Bill is to create a national seamless economy unhampered by unnecessary state duplications, overlaps and differences. The establishment of Safe Work Australia is an essential part of the government strategy to improve safety outcomes and workers compensation arrangements across Australia.”

Gillard noted that Safe Work Australia will play a pivotal role in the proposed reform. It is proposed that Safe Work Australia would:

- develop a national policy relating to occupational health and safety and workers compensation;
- prepare, monitor and revise model occupational health and safety legislation and model codes of practice;
- develop a compliance and enforcement policy to ensure nationally consistent regulatory approaches;
- develop proposals relating to the harmonisation of workers compensation arrangements;
- collect, analyse and publish occupational health and safety and workers compensation data and undertake and publish research;
- drive national communications strategies to raise awareness of health and safety at work;
- further develop the National Occupational Health and Safety Strategy 2002-2012, and
- advise Workplace Relations Ministerial Council on occupational health and safety and workers compensation matters.

What areas are likely to be addressed with the proposed reform?

The reform agenda is most likely going to address the following:

- Legislative approach – national and State.
- The scope, application and definitions within legislation.
- Determine universal duties of care.
- Define the concepts of ‘reasonably practicable’ and risk management.
- Consultation, participation and representation (including right of entry for unions).
- Regulator functions, powers and accountability.
- Compliance and enforcement rules.
- Prosecutions.

What does this mean for EMA clients?

For employers who conduct their business across States and Territories of Australia, this reform process will simplify the requirements to implement a universal approach to occupational health and safety and workers compensation. The key outcome will be consistency and uniformity within legislation and regulations across Australia.

The specific detail as to what the new legislation will contain is lacking at this stage but it will be closely monitored as information and details evolve.

It has been suggested that employers may see the return of union's gaining access to workplaces under the 'banner' of occupational health and safety and workers compensation concerns. It is also anticipated that there may be a substantive increase in penalties applied to prosecutions similar to that already in place in New South Wales (significantly higher than corresponding laws in Victoria and SA).

Time Frames

The repeal of Australian Workplace Safety Standards Act with the enactment of Safe Work Australia Act 2008 is expected to occur by 30 January 2009.

It is anticipated that Safe Work Australia will not take over the full management and control of Australian Safety Standards and Codes of Practices' until 2011.

EMA Commitment

EMA Consulting will monitor and advise our clients of further developments as they occur.

If you have any queries or require further information in relation to the Safe Work Australia Bill and its implications please contact EMA Consulting to arrange a suitable time to discuss your concerns.

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