



Model Work Health and Safety Laws Fact Sheet

Overview

The harmonisation of work health and safety laws across Australia aims to reduce the incidence of work related death, injury and illness.

Currently all states, territories and the Commonwealth are responsible for making and enforcing their own work health and safety laws. Although these draw on a similar approach for regulating workplaces there are some differences in the application and detail of the laws.

Over the past 20 years there have been efforts to make work health and safety regulations more consistent by developing National Standards and Codes of Practice. However, there has been no binding obligation on governments to adopt these.

This issue has been addressed through an intergovernmental agreement where, for the first time, governments from each state and territory and the Commonwealth have formally committed to the harmonisation of work health and safety laws.



www.safeworkaustralia.gov.au

Safe Work Australia's role in work health and safety reform

Safe Work Australia is the principal national organisation driving national policy development in work health and safety and workers' compensation. The Agency was established in 2009 and works in partnership with governments, and employer and employee associations.

One of Safe Work Australia's primary functions is to develop a *Model Work Health and Safety (WHS) Act*, supported by model WHS Regulations, model Codes of Practice and a national compliance and enforcement policy for adoption across Australia.

Background on the National OHS Review

In July 2008, the Council of Australian Governments (COAG) signed the *Intergovernmental Agreement for Regulatory and Operational Reform in OHS (IGA)*.

The IGA outlines the commitment of the Commonwealth, state and territory governments to work together to develop and implement model work health and safety laws. This cooperation is the most effective way to achieve harmonisation of work health and safety laws in Australia. The IGA also provides for the establishment of Safe Work Australia.

The National Review into Model Occupational Health and Safety Laws, was completed in January 2009, resulting in two comprehensive reports being submitted to the Workplace Relations Ministers' Council (WRMC). The reports made recommendations on the optimal structure and content of the model WHS Act that could be adopted in all jurisdictions by December 2011.

On 18 May 2009, WRMC made decisions in relation to the National OHS Review recommendations and requested that Safe Work Australia commence the development of the model legislation.

Development of the model WHS Act

An exposure draft of the model WHS Act was released for public comment in late September 2009. In response to the exposure draft Safe Work Australia received 480 submissions from individuals, unions, businesses, industry associations, governments, academics and community organisations.

Safe Work Australia adopted a number of amendments proposed during the public comment period and submitted a revised version of the model WHS Act to WRMC. WRMC endorsed the revised laws on 11 December 2009 and authorised Safe Work Australia and the Parliamentary Counsel's Committee to make any further technical and drafting amendments to the model WHS Act to ensure its workability.

On 29 April 2010 Safe Work Australia Members endorsed the amendments and a revised version of the model WHS Act has been posted on the Safe Work Australia website, www.safeworkaustralia.gov.au.

Model WHS Act

The model WHS Act is not significantly different from many current work health and safety laws. Much of it is based on policies that are common to many jurisdictions.

The intention is for each jurisdiction to enact the model provisions, subject to permitted minor variations that are needed to ensure the model provisions are workable in each jurisdiction and interact effectively with local laws without affecting harmonisation.

When the harmonised work health and safety laws are in place across Australia, it will be easier for businesses and workers to comply with their work health and safety responsibilities because the requirements will largely be the same, regardless of how many states and territories they operate in.

Model WHS Regulations and model Codes of Practice

Model WHS Regulations, model Codes of Practice and a national compliance and enforcement policy to support the model WHS Act are currently being developed by Safe Work Australia.

Model WHS Regulations are being developed for many areas including:

- authorisations including registration and licences including asbestos removal and high risk work
- work environment and facilities, first aid, personal protective equipment, emergency plans
- hazardous chemicals including inorganic lead
- asbestos
- major hazard facilities
- other hazards including plant, manual tasks, noise, fall hazards, remote and isolated work, confined spaces, electricity
- construction work, and
- occupational diving.

Model Codes of Practice are also being developed for many areas including:

- managing work health and safety risks
- consultation
- work environment and facilities
- asbestos
- hazardous chemicals - labelling and safety data sheets
- plant, manual tasks, noise, work at heights and confined spaces
- construction hazards
- traffic management, fatigue and first aid, and
- hazardous work including diving, abrasive blasting, logging, welding and spray painting.

An exposure draft of the model WHS Regulations, priority model Codes of Practice, an issues paper and a Consultation Regulation Impact Statement were released for a four month public comment period in December 2010. The public comment period allowed businesses and individuals to provide feedback on the draft model WHS Regulations and priority model Codes of Practice.

How long will jurisdictions have to implement the model work health and safety laws?

Under the Council of Australian Governments (COAG) timeframe the Commonwealth, state and territory governments have to enact the model WHS Act and the model WHS Regulations by December 2011.

Development and implementation of further model Codes of Practice and guidance material will continue beyond December 2011.

How will implementation of the model work health and safety laws be monitored to ensure uniformity?

Jurisdictions will be responsible for implementing the model WHS Act and model WHS Regulations as agreed under the IGA.

The harmonisation of work health and safety laws is also one of COAG's priorities under the National Partnership Agreement to Deliver a Seamless National Economy and therefore the implementation is being monitored through the COAG Reform Council. Under this agreement each jurisdiction must report annually to the COAG Reform Council on its progress against key milestones.

Safe Work Australia is developing an evaluation program to review effectiveness and implementation of the model work health and safety laws.

The IGA requires that if any jurisdiction proposes an amendment that impacts on the operation of the model work health and safety laws, the amendment must be brought to WRMC for decision at the national level. If WRMC agree to the proposed amendment, all jurisdictions must adopt the amendment in order to maintain national consistency. The model work health and safety laws are to be reviewed every five years.

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