



Australian Government
Department of Employment

REVIEW OF
SAFE WORK
AUSTRALIA'S
ROLE AND FUNCTIONS

AUGUST 2016



Australian Government
Department of Employment



REVIEW OF
SAFE WORK
AUSTRALIA'S
ROLE AND FUNCTIONS

AUGUST 2016

978-1-76028-870-9 [print]
978-1-76028-871-6 [online]



With the exception of the Commonwealth Coat of Arms and all photographs and where otherwise noted, all material in this document is licensed under a Creative Commons Attribution 4.0 Australia licence (<http://creativecommons.org/licenses/by/4.0>).

The details of the relevant licence conditions are available on the Creative Commons website, accessible using the link provided, as is the full legal code for the CC BY 4.0 AU licence (<https://creativecommons.org/licenses/by/4.0/legalcode>).

This document must be attributed as the Review of Safe Work Australia's Role and Functions, August 2016.

CONTENTS

Executive Summary	v
Recommendations	vii

1. INTRODUCTION **1**

2. BACKGROUND TO SAFE WORK AUSTRALIA **3**

History of regulation of WHS in Australia	4
Establishment of Safe Work Australia	5

3. THE ROLE OF SAFE WORK AUSTRALIA **7**

Safe Work Australia's Role	8
----------------------------	---

4. SAFE WORK AUSTRALIA'S CURRENT LEGISLATIVE FUNCTIONS **11**

Safe Work Australia's Current Functions	12
Current Function 1 – National policy about WHS and Workers' Compensation	12
Current Functions 2 & 3 – Model WHS legislation and codes of practice	14
Current Function 4 – Other WHS materials	16
Current Function 5 – Policy dealing with compliance and enforcement of model WHS legislation	17
Current Function 6 – Monitoring adoption of approved model WHS legislation etc in jurisdictions	19
Current Functions 7 & 8 – Collection of data and research etc	21
Current Function 9 – National WHS Strategy 2002–2012	23
Current Function 10 – National awareness strategies	24
Current Function 11 – Workers' compensation arrangements	26
Current Function 12 – Advising Ministerial Council on WHS and workers' compensation	27
Current Function 13 – Liaising outside Australia on WHS and workers' compensation	29
Current Function 14 – Other conferred functions	30

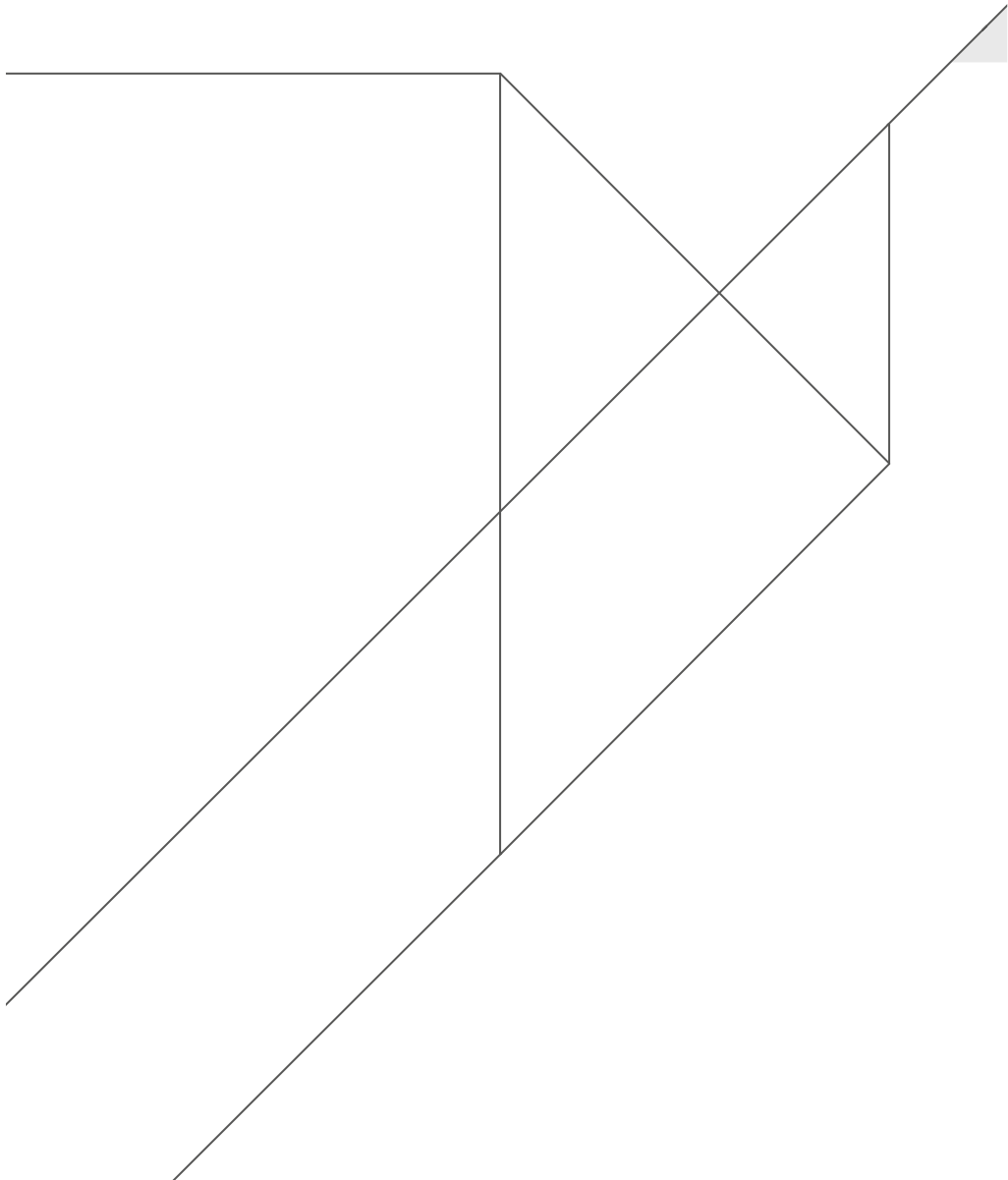
5. DISCUSSION AND RECOMMENDATIONS **31**

Clarifying Safe Work Australia's Role	32
Updating Safe Work Australia's legislative functions	33
Proposed Function 1 – National Policy and Strategy	33
Proposed Function 2 – Model Work Health and Safety Legislative Framework	34
Proposed Function 3 – Workers' Compensation	35
Proposed Function 4 – Evidence	35
Proposed Function 5 – Education and Communication	36
Proposed Function 6 – Collaboration	36
Proposed Function 7 – Advising Ministers	37
Proposed Function 8 – Other conferred functions	37

APPENDIXES

39

Appendix A: Acronyms	40
Appendix B: Terms of Reference	41
Appendix C: List of stakeholders consulted	43
Appendix D: Functions of Safe Work Australia compared with responsibilities in the IGA	44
Appendix E: Other national WHS and Workers' Compensation bodies	46
Appendix F: Heads of Workplace Safety Authorities Charter (2016)	48
Appendix G: Membership of Safe Work Australia, HWSA and HWCA	50



EXECUTIVE SUMMARY

Safe Work Australia is a body made up of 15 members, including an independent Chair, nine members representing the Commonwealth and each state and territory, two members representing the interests of workers, two representing the interests of employers and the CEO of Safe Work Australia. The body is supported by a statutory agency that is constituted of the CEO and approximately 100 staff.

Safe Work Australia's functions are set out in the *Safe Work Australia Act 2008* (Cth) (SWA Act). The SWA Act requires Safe Work Australia's role and functions to be reviewed six years after commencement of the Act.

This report responds to the Terms of Reference for the Review, which requires an evidence-based assessment of:

1. the extent to which Safe Work Australia has fulfilled its role and functions
2. the need for Safe Work Australia's role and functions to be updated, and
3. the future role and functions for Safe Work Australia.

Chapter 1 of this report provides the context within which this Review of Safe Work Australia's role and functions was undertaken.

Chapter 2 examines the history of work health and safety (WHS) in Australia and the context within which Safe Work Australia was established.

Chapters 3 and 4 examine Safe Work Australia's legislated role and functions in relation to WHS and workers' compensation policy and the various views expressed by stakeholders during consultations undertaken as part of the Review process.

Chapter 5 discusses the findings of the Review and makes a number of recommendations regarding Safe Work Australia's future role and functions under the SWA Act.

The extent to which Safe Work Australia has fulfilled its role and functions

There is significant evidence to indicate Safe Work Australia has delivered against its stated role and functions, although there are opportunities for improvement—particularly in relation to the delivery of the workers' compensation, data collection and analysis and awareness raising functions. Importantly, a number of the key stakeholders consulted are members of Safe Work Australia and therefore well placed to contribute to those improvements.

WHS has been a focus for successive tripartite bodies for more than 30 years. The most recent of these bodies is Safe Work Australia, which was established in 2008 to lead the development of national policy to improve WHS and workers' compensation across Australia, with a specific focus on the harmonisation of WHS laws. The efforts of Safe Work Australia have supported improvements in WHS outcomes and arrangements in Australia, including:

- Significant reductions in the rates of workplace fatalities and serious injuries across the nation.
- The negotiation and development of model WHS laws, including an Act and regulations which has been implemented in seven of the nine Australian jurisdictions, and various codes of practice.
- Development of a national policy to support a consistent approach to compliance and enforcement of the model legislative framework.
- Development of over 150 supporting publications and advisory guidance material.
- The introduction of a revised national WHS strategy in 2012, which is aligned with the model WHS laws.
- The continued provision of national data, and a central point for prioritising and leading research for the purpose of informing WHS and workers' compensation policy.

Progress on workers' compensation arrangements has been less pronounced, however this can generally be attributed to external factors beyond the control of Safe Work Australia. These factors include the focus on harmonisation of WHS laws, underlying commercial issues and disparate jurisdictional perspectives and differences across the various workers' compensation schemes. Nevertheless, there have been some achievements in the administration of workers' compensation schemes including the alignment of definitions on deemed diseases, permanent impairment and the benefits cut-off age.

The need for Safe Work Australia's role and functions to be updated

A key theme arising from stakeholder discussions is that the principles embodied in Safe Work Australia's current role and functions largely remain valid. However, the role needs to be further clarified and the functions revised to suit changed circumstances.

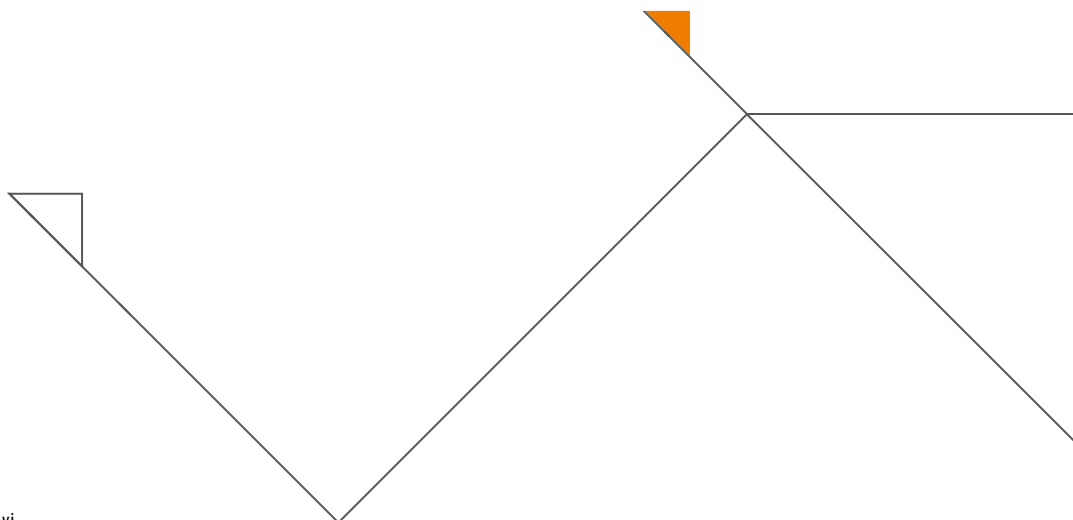
Safe Work Australia's functions are clearly identified in the establishing legislation but its role is not. A clear role helps to define the purpose of a body and sets the expectations and overall context for how its functions should be performed. The lack of a clear legislated role for Safe Work Australia has resulted in some ambiguity around its purpose and how it is to perform its functions. This should be addressed. There is also a need to update the functions to ensure they remain contemporary. For example, by removing specific references to titles and dates.

The development of a national policy to "ensure a nationally consistent approach" to compliance and enforcement elicited varied views from stakeholders. Although most stakeholders felt that Safe Work Australia should continue to work with jurisdictions to achieve a consistent compliance and enforcement approach, they noted that the implementation of the policy is an operational matter for regulators and outside of Safe Work Australia's remit. Safe Work Australia does not have the ability to 'ensure' the policy is delivered consistently and stakeholders felt that this function should be revised accordingly.

There is a general view the remaining functions should be expressed as part of a strategic framework which clarifies linkages across and between functions and the broader objective of Safe Work Australia. In addition, there is a view that performance could be improved through greater accountability in monitoring and evaluating activities to assess whether those activities are achieving their objectives. There is also a view that the functions should provide sufficient flexibility to allow Safe Work Australia to be more responsive to emerging issues.

The future role and functions of Safe Work Australia

In light of the evidence and views expressed in the consultations it is recommended amendments be made to the *Safe Work Australia Act 2008* to clarify the role of Safe Work Australia, and update, consolidate and simplify the functions to ensure they are clear, achievable and strategically focussed for the future.



RECOMMENDATIONS

RECOMMENDATION 1

That the SWA Act be amended to clarify that Safe Work Australia is established to improve national WHS outcomes and workers' compensation arrangements by:

- a. providing an inclusive tripartite forum for governments, employer and employee representatives to collaborate on national WHS and workers' compensation matters
- b. leading the development of national WHS and workers' compensation policies and strategies that are underpinned by evidence, and
- c. promoting consistency in WHS and workers' compensation arrangements across Australia.

RECOMMENDATION 2

That the topics and functions outlined in the SWA Act be amended to provide that Safe Work Australia's functions are:

1. NATIONAL POLICY AND STRATEGY
Develop, evaluate and revise national work health and safety and workers' compensation policies and supporting strategies, which must include:
 - a. a national work health and safety and workers' compensation strategy, and
 - b. a national compliance and enforcement policy.
3. MODEL WORK HEALTH AND SAFETY LEGISLATIVE FRAMEWORK
Develop, monitor, evaluate and revise as necessary a model work health and safety legislative framework including:
 - a. acts
 - b. regulations
 - c. codes of practice, and
 - d. other materials.
4. WORKERS' COMPENSATION
Develop proposals to improve and promote national consistency in workers' compensation arrangements.
5. EVIDENCE
Collect, analyse and publish relevant national workplace data and undertake and publish research to inform the development and evaluation of work health and safety and workers' compensation policies and strategies across Australia.
6. EDUCATION AND COMMUNICATION
Develop and implement national education and communication strategies and initiatives to support improvements in work health and safety outcomes and workers' compensation arrangements and promote national consistency.



RECOMMENDATION 2 (CONT)

7. COLLABORATION

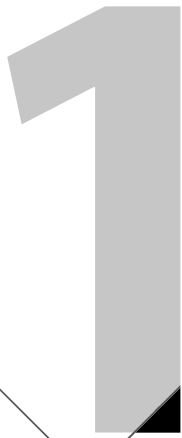
Collaborate with Commonwealth, state and territory governments, and other national and international bodies, on work health and safety and workers' compensation policy matters of national importance.

8. ADVISING WHS MINISTERS

To advise relevant Commonwealth, state and territory Ministers on national policy matters and initiatives relating to work health and safety and workers' compensation.

9. OTHER CONFERRED FUNCTIONS

To undertake such other functions as may be conferred upon Safe Work Australia by legislative instrument.



1

INTRODUCTION

REASON FOR THE REVIEW

Section 72 of the *Safe Work Australia Act 2008* (Cth) (SWA Act) requires the responsible Minister to cause a review of the ongoing role and functions of Safe Work Australia (the Review) to start six years after the commencement of that Act.

SCOPE AND TIMING OF THE REVIEW

The scope of the Review was informed by the requirements of section 72 of the SWA Act and the Terms of Reference set out by Senator the Hon Michaelia Cash, Minister for Employment (see Appendix B).

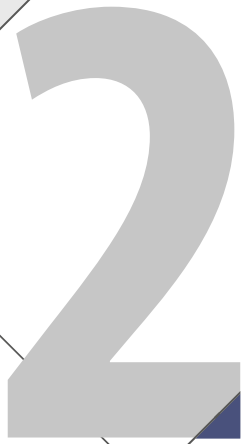
It is a further requirement of section 72 that the Review must be completed within six months of commencement and a written report to be tabled in each House of Parliament within 15 sitting days of receipt by the Minister.

CONDUCT OF THE REVIEW

The Review included a desktop review of activities of Safe Work Australia as reflected in published material and targeted discussions with stakeholders including Safe Work Australia members. See Appendix C for a full list of persons consulted as part of this Review.

NEXT STEPS

The Review will inform consideration of the future role and functions of Safe Work Australia and negotiations of a new intergovernmental agreement to replace the existing *Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* (the IGA).



2

BACKGROUND TO
SAFE WORK AUSTRALIA

HISTORY OF REGULATION OF WHS IN AUSTRALIA

In Australia, the Commonwealth and each state and territory government is responsible for the regulation of WHS and workers' compensation within their respective jurisdictions. In the 1970s the regulation of WHS underwent a significant shift, both internationally and within Australia, following the recommendations of a United Kingdom Parliamentary Committee Inquiry on Safety and Health at Work, which was commissioned following perceptions of poor safety practices in key British industries and chaired by Lord Alfred Robens.

The Inquiry recommended that WHS laws shift from detailed, prescriptive standards to a more self-regulatory and performance-based approach.¹ The 'Robens Model', as it became known, is underpinned by a single umbrella Act containing broad 'general duties' based on the common law duty of care, and regulations and codes of practice designed to support the general duties in the Act.²

In response, from the mid-1970s all Australian jurisdictions enacted new WHS regulatory frameworks based, to varying degrees, on the Robens Model. However, while each framework broadly followed that model, significant jurisdictional variance developed.

Efforts to address the jurisdictional differences in WHS and advance a nationally coordinated approach to WHS issues increased in the mid-1980s with the establishment of the National Occupational Health and Safety Commission (NOHSC).

Establishment of NOHSC

NOHSC was a tripartite body established in December 1985 by the *National Occupational Health and Safety Commission Act 1985* (Cth) (NOHSC Act) with the objects³ of developing community awareness of WHS issues; providing a forum for Commonwealth, state and territory governments, and peak councils of employees

and employers to consult together and to participate in the development of WHS policies and strategies; and providing a national focus for WHS activities.⁴

NOHSC was constituted by 18 members including an independent Chair, eight members representing each of the state and territory WHS regulators, three members representing industry, three members representing unions, two members representing the Commonwealth, and the Chief Executive Officer (CEO) of NOHSC. Administrative support was provided to Commission members by a statutory authority, the National Occupational Health and Safety Office.⁵ The functions and powers of the Commission were further specified in the NOHSC Act.⁶

In 2004, the Productivity Commission reported on Australia's national workers' compensation and WHS frameworks.⁷ In response to this report, the Australian Government announced that it would replace NOHSC with a new advisory body, the Australian Safety and Compensation Council (ASCC). NOHSC was abolished on 1 January 2006 by the *National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Act 2005* (Cth).

Establishment of the ASCC

The ASCC was established as an administrative body in October 2005. Like its predecessor, the ASCC was a tripartite body whose role and functions were set out in Terms of Reference agreed by the Workplace Relations Ministers Council (WRMC). The *Australian Workplace Safety Standards Act 2005* (Cth) also provided the ASCC with NOHSC's statutory functions of declaring National Standards and Codes of Practice for WHS. The work of the ASCC was supported by the Office of the ASCC within the Commonwealth Department of Employment and Workplace Relations.

1. Department of Employment (2008/2009), *National review into model occupational health and safety laws*

2. *ibid*

3. NOHSC Act, s. 7

4. *National Occupational Health and Safety Commission Bill 1985 - Explanatory Memorandum*, p.1.

5. NOHSC Act, s. 10

6. NOHSC Act, ss. 8, 9

7. Productivity Commission (2004), *National Workers' Compensation and Occupational Health and Safety Frameworks*, Report No. 27, Canberra, March.

ESTABLISHMENT OF SAFE WORK AUSTRALIA

In March 2008, the Council of Australian Governments (COAG) prioritised harmonisation of WHS laws as part of its National Reform Agenda. Harmonisation of WHS laws was regarded as critical to improve the environment in which Australian businesses operate and to assist in meeting Australia's productivity challenges. COAG agreed the harmonisation process would be underpinned by an Intergovernmental Agreement (IGA).

On 3 July 2008, the COAG signed the IGA,⁸ committing Australian governments to harmonising WHS laws in Australia within a set timeframe. The agreement recognised that "the use of model legislation is the most effective way to achieve harmonisation of OHS laws." Jurisdictions committed to implement model WHS laws by December 2011.

The IGA also provided for the establishment of a new tripartite body to replace the ASCC.⁹ The replacement body was to have primary responsibility for driving national policy development for WHS and workers' compensation. The responsibilities and functions of the new body were outlined in the IGA as were the reporting and financial arrangements (50 per cent Commonwealth, 50 per cent states and territories).¹⁰

The ASCC was abolished on 31 March 2009 and interim arrangements put in place to enable the Department of Employment to continue to facilitate tripartite engagement on WHS pending the passage of legislation to establish an ASCC replacement body.

On 1 November 2009, the *Safe Work Australia Act 2008* (Cth) (SWA Act) established Safe Work Australia as the ASCC replacement body, thereby giving effect to the IGA. Safe Work Australia's functions are contained in section 6 of the SWA Act. Appendix D provides an overview of the functions as outlined in the SWA Act compared to the IGA.

Safe Work Australia is made up of 15 members, including an independent Chair, nine members representing the Commonwealth and each state and territory, two members representing the interests of workers, two members representing the interests of employers, and the Chief Executive Officer (CEO) (non-voting member) of Safe Work Australia.

The CEO of Safe Work Australia is responsible for managing the administration of Safe Work Australia and assisting it in the performance of its functions. The CEO of Safe Work Australia is supported by approximately 100 staff engaged under the *Public Service Act 1999* (Cth) who provide administrative support to Safe Work Australia members. Together, the CEO and these staff constitute the Safe Work Australia Agency (the Agency).

Accountability: Planning and Reporting

The Agency operates under the Commonwealth Government's accountability and governance frameworks.¹¹ In addition, Safe Work Australia's planning and reporting requirements are detailed in the IGA and the SWA Act, which requires Safe Work Australia to prepare a Corporate Plan and an Operational Plan before the start of each financial year. Both plans must be approved by Ministers with responsibility for WHS and workers' compensation (WHS Ministers).

The Corporate Plan must cover a minimum four year period, and describe the outcomes to be achieved by Safe Work Australia and the strategies that are to be followed to achieve those outcomes.¹²

8. COAG (2008), *Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety*.

9. *ibid*

10. *ibid*, section 3.2.

11. From 1 July 2014, the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) replaced the FMA Act as the primary financial management legislation of the Commonwealth.

12. It should be noted that prior to the introduction of the PGPA Act the outcomes and strategies were detailed in Safe Work Australia's Strategic Plans.

The Operational Plan must detail the activities that are to be undertaken by Safe Work Australia in performing its functions during the upcoming financial year only, and be consistent with the Corporate Plan that relates to that year.

The SWA Act prohibits either plan from dealing with the allocation of resources for the performance of Safe Work Australia's functions. These matters are at the discretion of the CEO of Safe Work Australia.

In addition, the Agency completes an annual Portfolio Budget Statement (PBS), which provides information on the allocation of resources to achieve stated outcomes. The 2014-15 Safe Work Australia PBS outlines a single programme structure with the outcome statement "Healthier, safer and more productive workplaces through improvements to Australian work health and safety and workers' compensation arrangements."

Safe Work Australia's most recent Annual Report (2014-15) indicated that for the sixth consecutive year Safe Work Australia met all of its Key Performance Indicators listed in the PBS. Furthermore it notes that for the fourth consecutive year more than 90 percent of Safe Work Australia members were satisfied with the Agency's overall performance in achieving the deliverables of the Operational Plan.

The CEO of Safe Work Australia must also prepare an annual report for the Minister for Employment under section 46 of the *Public Governance, Performance and Accountability Act 2013 (Cth)* and provide it to Safe Work Australia members and WHS Ministers.

WHS Ministers

At the time Safe Work Australia was established in 2009, WRMC had primary responsibility for dealing with WHS matters, including approving the model WHS laws. WRMC was a sub-committee of COAG, which was comprised of Commonwealth, state and territory Ministers with responsibility for workplace relations and WHS. WRMC's role with regard to Safe Work

Australia and the harmonisation of WHS laws is set out in the IGA,¹³ and includes responsibility for:

- making decisions about the model WHS Act, Regulations and Codes of Practice, and a consistent compliance and enforcement policy
- making decisions about other matters submitted or recommended to WRMC by Safe Work Australia
- making decisions about Safe Work Australia's Corporate and Operational Plans, and
- providing direction to Safe Work Australia on policy development.

The IGA also establishes procedural and voting arrangements for WRMC, and reporting requirements for Safe Work Australia on the above matters.¹⁴

In 2011, the COAG Select Council on Workplace Relations (Select Council) replaced the WRMC. The Terms of Reference¹⁵ for the Select Council included oversight and implementation of commitments and performing roles and functions in relation to the IGA and the SWA Act.

On 13 December 2013, COAG agreed that its Council system would be streamlined and that the COAG Select Council on Workplace Relations would not continue. At its final meeting on 11 April 2014, the Select Council agreed to manage its responsibilities and workload through Senior Officials' Meetings (SOM), with responsible Ministers to oversee important matters out-of-session with the option of a face-to-face meeting once a year.¹⁶

For the purposes of this report, and consistent with the text of the SWA Act, the term 'WHS Ministers' is used to refer to Commonwealth, state and territory Workplace Relations and WHS Ministers as a collective, and includes the various forms in which those Ministers have met since the establishment of Safe Work Australia (i.e. WRMC and the Select Council).

13. COAG (2008), See section 2.1 of the IGA.

14. COAG (2008), op cit. See section 2.2 and 3.3 of the IGA

15. COAG (2011), *COAG Select Council - Terms of Reference*

16. Department of Employment (2015), *'The former Select Council on Workplace Relations'*, web page.

A large, bold, grey number '3' is centered on the page. A small green arrow points to the bottom-left curve of the number. The number is partially overlaid by a white triangle that is part of a larger geometric design consisting of two large grey triangles meeting at a central white triangle.

3

THE ROLE OF
SAFE WORK AUSTRALIA

SAFE WORK AUSTRALIA'S ROLE

Identifying the role of an organisational body helps to bring clarity to its purpose. It can also help in defining the overarching framework within which that body operates, and clarify expectations for how it will perform its functions and the various relationships and dependencies between those functions.

The roles of Safe Work Australia's predecessors NOHSC and the ASCC were set out in section 7 of the NOHSC Act and the ASCC Business Plans respectively.

While Safe Work Australia's role can be defined from its specific functions, there is no overarching statement that explains the various relationships and dependencies between those functions and provides the context in which SWA is to perform its functions. Rather, SWA's role is limited to a mention in the outline at section 3 of Part 1 of that SWA Act, which simply states:

"This Act creates a body called Safe Work Australia to improve occupational health and safety [OHS] outcomes and workers' compensation arrangements in Australia."¹⁷

By comparison, the IGA—which forms the basis on which the SWA Act was developed—states that:

"[ASCC replacement body] will be an independent Australian Government agency with the primary responsibility of driving national policy development in respect of OHS and workers' compensation matters."¹⁸

While these two statements are not incompatible there is some inconsistency in the wording. In its operations, Safe Work Australia has settled on an amalgamation of the two statements and identifies its role as:

"...to lead the development of policy to improve work health and safety and workers' compensation arrangements across Australia."¹⁷

It is important to note that in leading the development of national policy, it was intended that Safe Work Australia's primary responsibility would be to coordinate the development of national WHS and workers' compensation policies and strategies, which could be adopted and implemented in a consistent manner by the Commonwealth, states and territories.

As such, Safe Work Australia does not have any powers to regulate or enforce WHS or workers' compensation laws. Rather, the Commonwealth, states and territories retain this responsibility.

This is reinforced by the description of current Function 1 in the Explanatory Memorandum for the Safe Work Australia Bill 2008 (the Explanatory Memorandum), which indicates that "national policy developed by SWA will be used to drive harmonisation initiatives", and is also acknowledged by Safe Work Australia on its website and in various publications.

Key Achievements

Safe Work Australia has demonstrably fulfilled the WHS aspect of its role by, for example, the development of the model WHS laws and around 150 supporting documents since 2011¹⁹, and oversight of the previous *National Occupational Health and Safety Strategy 2002–2012* (National OHS Strategy) and development of its replacement the *Australian Work Health and Safety Strategy 2012–2022* (Australian WHS Strategy).

In terms of improvements in the rates of fatalities, the 2014–15 Safe Work Australia Annual Report states that:

"...there is a long-term trend showing a reduction in the number of work-related fatalities and serious injury claims. There were 188 worker fatalities in 2014, a 39% reduction from a peak of 310 in 2007 and that all priority industries under the Australian Strategy have witnessed reductions in the rate of fatalities per 100 000 workers between 2003 and 2014."²⁰

The rate of serious injury claims has also fallen by 26 per cent since 2000–01.²¹

17. See section 3 of the SWA Act, 'What this Act is about.'

18. COAG (2008), op cit. See clause 3.2.1 of the IGA.

19. Safe Work Australia Annual Report 2014–15, p.10

20. *ibid*, p.9

21. *ibid*

With regard to workers' compensation, Safe Work Australia has undertaken a number of projects to improve national consistency, such as classifying deemed occupational diseases and the assessment of permanent impairment, and compiling workers' compensation research, case studies and data such as the National Return to Work Survey. The extent to which Safe Work Australia has fulfilled this role is further discussed at Current Functions 1 and 11.

Stakeholder views

There is consensus among stakeholders that Safe Work Australia plays a crucial role in leading the development of national policy to improve WHS outcomes and workers' compensation arrangements by bringing stakeholder groups together, and that this should continue.

Stakeholders typically note two characteristics of Safe Work Australia as particularly important. First, Safe Work Australia facilitates a national focus on WHS, noting that national coordination is generally a 'second tier priority' for individual jurisdictions. Second, it provides a strong framework for tripartite engagement on both WHS and workers' compensation matters, which would not otherwise be available. This second point is particularly important to Safe Work Australia's social partners, the ACTU, Ai Group and Australian Chamber, who said:

"Safe Work Australia provides a strong forum for the social partners to have their views expressed and known. The tripartite forum is particularly important and Safe Work Australia provides a useful mechanism for consultation on critical workplace matters. It also offers an opportunity for social partners to hear what all the jurisdictions are doing through a single forum." (ACTU)

"An advantage of Safe Work Australia is its tripartite nature; relevant stakeholders are engaged around the same table. This gives industry confidence that they are part of the process and can raise practical issues and decisions have taken in to consideration their views/perspective, which in turn will deliver better outcomes across Australia." (Australian Chamber)

Officials from smaller jurisdictions such as the ACT, Tasmania and NT highlighted the benefits of having a forum that provides jurisdictions and social partners the opportunity to collaborate and share information and resources. For example, Tasmania notes that:

"The national process coordinated by Safe Work Australia also provides an opportunity to draw upon expertise in a collaborative fashion. Expertise in a number of highly specialised areas may not be available in the smaller jurisdiction and having access to this is a bonus."

There is a consensus among stakeholders that Safe Work Australia provides an effective forum for engagement on the development of national WHS policy and workers' compensation arrangements and that there is no alternative body which could perform this role as well as Safe Work Australia.

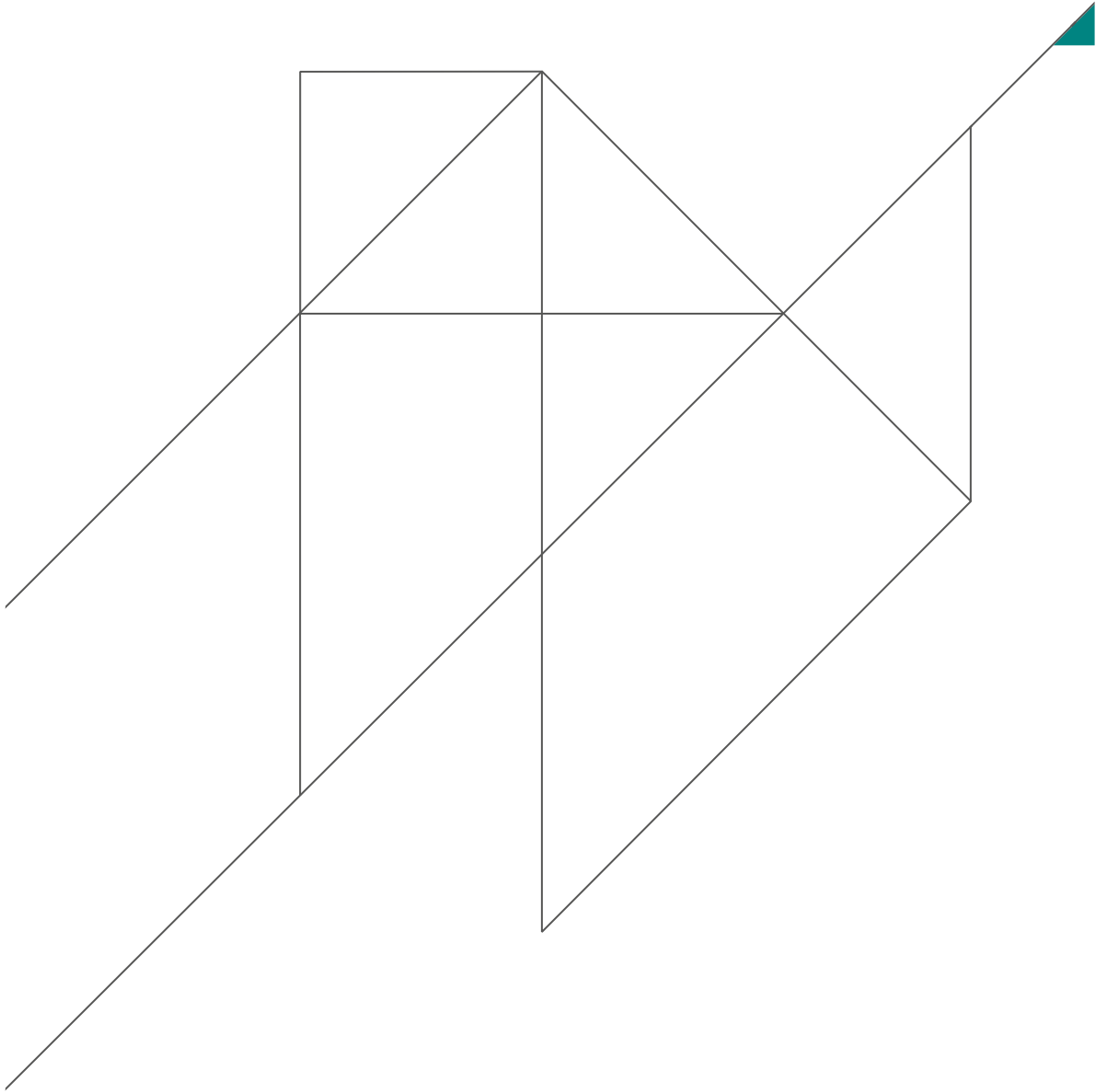
It is also noted by NSW and ACTU officials that Safe Work Australia gives effect to Australia's obligations under international labour conventions and specifically International Labour Organization (ILO) Convention 155,²² which among other things requires Australia to demonstrate that representatives of workers and business are actively engaged in the development of WHS policy.

However, several stakeholders, including NSW and Victorian officials, note that Safe Work Australia's role in regard to national policy development would benefit from further clarification, particularly in respect to its interactions and overlap with Commonwealth and state and territory WHS regulators, and other WHS bodies such as Heads of Workplace Safety Authorities (HWSA) and Heads of Workers' Compensation Authorities (HWCA) (Appendix E provides further information on HWSA and HWCA). For example, clarifying that while Safe Work Australia may develop policies and strategies, jurisdictions ultimately have responsibility for their implementation.

Summary

Stakeholders indicated strong support for Safe Work Australia retaining its role as the national body responsible for shaping and coordinating consistent national policy directions in WHS and workers' compensation.

22. ILO (1981), C155 - Occupational Safety and Health Convention, 1981 (No. 155), Articles 4 and 8.





4

SAFE WORK AUSTRALIA'S CURRENT LEGISLATIVE FUNCTIONS

SAFE WORK AUSTRALIA'S CURRENT FUNCTIONS

Safe Work Australia's current functions are set out at section 6 of the SWA Act (see Appendix D). Section 27 of the SWA Act requires Safe Work Australia to prepare a Corporate Plan (formerly a Strategic Plan) which describes the outcomes to be achieved and the strategies to be followed to achieve those outcomes. Section 29 of the SWA Act requires Safe Work Australia to prepare an Operational Plan which describes the activities that are undertaken by Safe Work Australia in performing its functions during the year. Section 7(1) of the SWA Act requires Safe Work Australia to perform its functions in accordance with the Corporate and Operational Plans.

Following is a consideration of Safe Work Australia's current legislative functions.

CURRENT FUNCTION 1

NATIONAL POLICY ABOUT OHS AND WORKERS' COMPENSATION

To develop national policy relating to OHS and workers' compensation.

DESCRIPTION

This function, as described in the Explanatory Memorandum, is to develop national policy relating to WHS and workers' compensation, with the intent that national policy developed by Safe Work Australia will be used to drive harmonisation initiatives, such as the:

- adoption and implementation of model WHS laws and consistent compliance and enforcement strategies, and
- harmonisation of workers' compensation arrangements across the Commonwealth, the states and the territories.²³

Key achievements

This function has significant overlap with a number of Safe Work Australia's other functions and is considered in the context of those functions.

Safe Work Australia has coordinated and led the improvement of WHS arrangements across Australia. This includes developing the model WHS laws and around 150 supporting documents since 2011;²⁴ oversight of the previous National OHS Strategy and development of its replacement the Australian WHS Strategy; undertaking research and data collection to identify and understand emerging issues; and a number of projects to improve national consistency in relation to workers' compensation.

Stakeholder views

There is unanimous agreement among stakeholders that Safe Work Australia has performed this function well with regard to shaping WHS policy across Australia. However, in respect of the development of national policy relating to workers' compensation, stakeholders are of the view that Safe Work Australia has not done as well.

Stakeholders note that the development of national WHS policy has been at the forefront of Safe Work Australia's efforts in recent years, and cite the considerable work involved in developing the model WHS laws and the Australian WHS Strategy.

23. Explanatory Memorandum, Safe Work Australia Bill 2008, Parliament of the Commonwealth of Australia.

24. Safe Work Australia (2015), *Safe Work Australia Annual Report 2014-15*, p.10

Queensland and Western Australian officials also commented that development of the model WHS laws was a difficult task undertaken within a relatively short timeframe, and required navigating through diverse and competing views in a complex and often politically charged landscape. Delivery of the significant achievement of developing the model WHS laws is discussed in more detail at Current Function 2.

Despite the generally positive views on performance of the function as it relates to development of national WHS policy, a number of stakeholders consider that greater integration with other functions would be of significant benefit and would assist jurisdictions to better respond to emerging issues and the changing nature of work. For example, greater integration between the National Policy (Current Function 1) and Data Collection and Research functions (Current Functions 7 and 8). However, proposals put forward for improvement tended to be more focussed on matters that relate to the governance and administration of Safe Work Australia.

In relation to leading the harmonisation of workers' compensation arrangements, stakeholders generally attribute Safe Work Australia's relative lack of achievement to three reasons, which they conceded were largely outside the control of Safe Work Australia:

- The focus on harmonisation of WHS overshadowed work to harmonise workers' compensation
- A lack of appetite among governments for a major reform of workers' compensation, and
- Significant jurisdictional commercial and financial considerations and complexities.

However, some stakeholders, including Western Australian and Victorian officials, also attribute the lack of progress on harmonisation of workers' compensation arrangements to a lack of workers' compensation expertise and/or responsibility among Safe Work Australia members, as jurisdictional and social partner representation on Safe Work Australia largely consists of WHS experts.

Despite these views, a number of stakeholders including the Australian Chamber are more positive about Safe Work Australia's performance of this function as it relates to workers'

compensation and note that Safe Work Australia has made some gains, although these successes have mainly been on an operational rather than legislative front. For example, the Australian Chamber notes that:

"...there have been significant gains on a number of other key issues and areas.... For example Safe Work Australia's work in the alignment of workers' compensation definitions on the benefits cut-off age (65); deemed diseases and permanent impairment."

Notwithstanding the difficulties of achieving harmonisation of workers' compensation arrangements, the majority of stakeholders want Safe Work Australia to continue to perform this function, albeit with a targeted focus on specific aspects of workers' compensation that could be made 'consistent', as opposed to 'harmonisation.'

Summary

Stakeholders regard a leadership role in developing national WHS and workers' compensation policy as important, and generally supported Safe Work Australia continuing to fulfil this role.

CURRENT FUNCTIONS 2 & 3

MODEL OHS LEGISLATION

To prepare a model Act and model regulations relating to OHS and, if necessary, revise them:

- a. for approval by the Ministerial Council; and
- b. for adoption as laws of the Commonwealth, each of the States and each of the Territories.

MODEL OHS CODES OF PRACTICE

To prepare model codes of practice relating to OHS and, if necessary, revise them:

- a. for approval by the Ministerial Council; and
- b. for adoption as codes of practice of the Commonwealth, each of the States and each of the Territories and made under laws of those jurisdictions that adopt the approved model OHS legislation.

DESCRIPTION

These functions require Safe Work Australia to prepare model legislation, including an Act and Regulations, and model codes of practice relating to WHS, for adoption nationally. WHS Ministers (formerly WRMC) have responsibility for approving the model legislation and model codes of practice. The process of approval by WHS Ministers is intended to ensure that the model WHS laws are adopted by all jurisdictions and remain nationally uniform over time.²⁴

Key achievements

The model WHS Act was informed by an extensive and comprehensive national review into WHS laws across Australia, which included substantial public consultation. WHS Ministers endorsed the model WHS Act in December 2009.

The model WHS Regulations were finalised in November 2011. They were revised and updated in January 2014.²⁶

Twenty-three model Codes of Practice have been approved by WHS Ministers.²⁷ In April 2014 a review of 12 draft model Codes of Practice was undertaken. The review recommended that nine of the draft model Codes would be more appropriate as national guidance material.

Stakeholder views

Stakeholders generally agree that Safe Work Australia has performed these functions well. They note that delivery of Function 2 in particular—the model WHS Act and Regulations (model WHS laws)—was a difficult and complex job, particularly in the context of the often divergent views of involved parties and the tight timeframes set by WRMC.

While Safe Work Australia has performed Function 2 well, stakeholders acknowledge that jurisdictions' process of adoption of those laws is outside the control of Safe Work Australia.

25. Explanatory Memorandum, op cit

26. Safe Work Australia, Model WHS Regulations, web page.

27. Refer to the Safe Work Australia website.

The Australian Chamber in particular notes that:

“...one of the problems with model WHS laws is the exposure to political whims and there needs to be some mechanism to avoid being beholden to changes in Government. The tendency for new governments to adjust laws is a risk to consistency.”

There is a consensus view that the wording of Function 2 is outdated and does not reflect the fact that a model WHS Act and Regulations have been developed and adopted by a majority of jurisdictions. Feedback typically indicates that this function should be revised to shift the focus to monitoring, evaluating and reviewing the model WHS laws. Stakeholders consider that this would ensure the model WHS laws reflect best practice and remain effective. Comcare officials summarised this sentiment as follows:

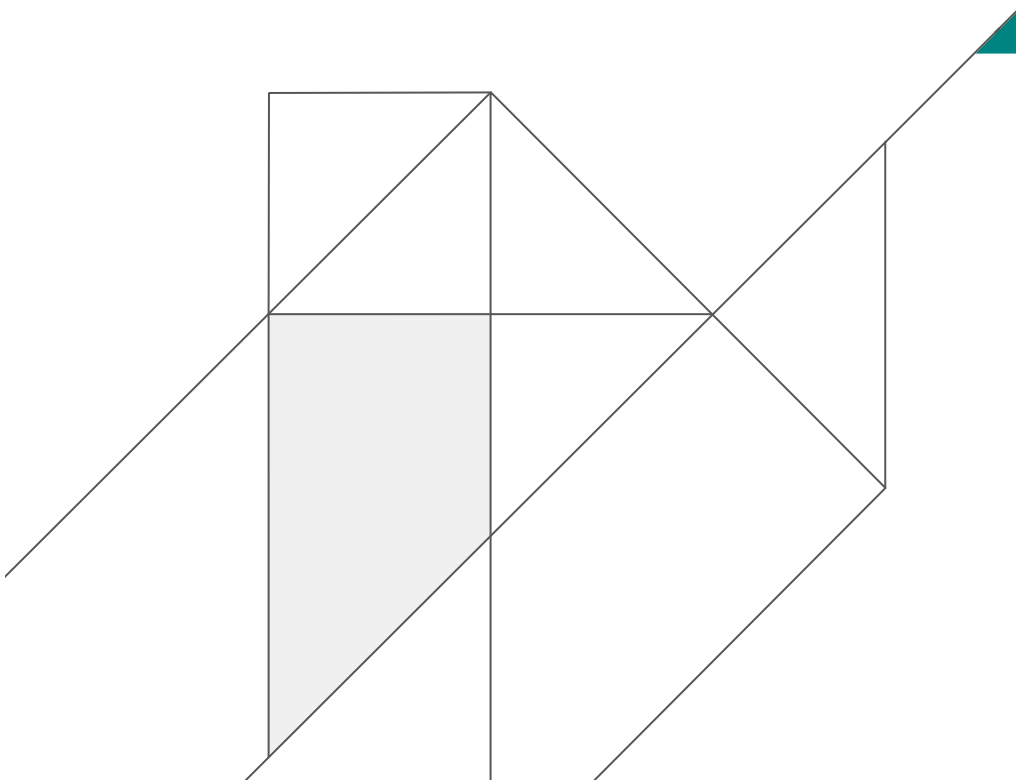
“This function remains important. The challenge now is how consistently jurisdictions adopt, interpret and apply the model laws. Going forward the function should be about monitoring the model laws to identify if they are effective and relevant, whether there are any deficiencies which need to be addressed, and revising the laws accordingly.”

ACT officials also made an important point that Function 2 should continue to enable Safe Work Australia to also develop model WHS laws to provide flexibility to deal with new and emerging WHS issues.

Stakeholders also universally support retaining Function 3—to prepare model WHS codes of practice. Stakeholders generally view this function as appropriate in its current form, with the exception of Ai Group officials who are of the view that the function should be supported by research that examines how the information produced to complement the model WHS laws is being used, who is using it, and whether the information is understood.

Summary

Stakeholders acknowledge the importance of Safe Work Australia's work in developing the model WHS laws and Codes of Practice. There is consensus that the functions remain important, but they need to be updated to reflect the evolution of the model WHS laws.



CURRENT FUNCTION 4

OTHER OHS MATERIAL

To prepare other material relating to OHS and, if necessary, revise that material.

DESCRIPTION

This function requires Safe Work Australia to prepare (and revise where necessary) other material relating to WHS not covered by Current Functions 2 and 3.²⁸

Key achievements

Safe Work Australia has published numerous interpretive guidelines, fact sheets, information sheets, case studies and other materials. This can be accessed on their website.

Stakeholder views

There is a view that 'other OHS material' in this function relates to material such as interpretive guidelines and publications that assist duty holders to comply with WHS laws. Bearing this in mind, stakeholders universally agree that Safe Work Australia has performed this function well and that it remains an important function.

A number of stakeholders identified the production of national guidance as important in facilitating nationally consistent approaches to WHS. Queensland officials consider that interpretive guidelines in particular establish benchmarks and "...are a good way to keep all jurisdictions 'on the same page' when it comes to interpreting and applying the model WHS laws", even in jurisdictions that have not adopted the model WHS laws.

Smaller jurisdictions in particular identify the production of guidance as being of considerable benefit to them given their limited resources, and tend to rely heavily on materials and resources that are produced by Safe Work Australia, which they would not otherwise have the resources to produce on their own.

Despite the general praise for how Safe Work Australia has performed this function, stakeholders variously identified ways performance could be improved, including by:

- linking the development of 'other materials' to needs established by evidence gathered through the research and data functions
- requiring materials to be presented in a form that is simple, accessible and practical (e.g. digital media and online delivery, readability)
- clarifying what information and advice should be developed as 'other material', as opposed to a model code of practice
- setting minimum timeframes for consultation, and
- clarifying that jurisdictional material can be 'adapted' for national use, without the need to 'prepare' new materials—in this regard, stakeholders noted Safe Work Australia has a tendency to reinvent materials rather than use current products.

Tasmanian officials noted that there is a risk of inconsistent legal interpretation of WHS laws when jurisdictions seek legal advice from their own State and Territory departments (e.g. Justice Departments). They suggest there may be value in Safe Work Australia coordinating and facilitating the provision of advice on WHS laws to ensure jurisdictions take a consistent approach.

Summary

There is consensus among stakeholders that the development of other (supporting) WHS material is important and should continue as a function of Safe Work Australia.

28. Explanatory Memorandum, op cit

CURRENT FUNCTION 5

POLICY DEALING WITH COMPLIANCE AND ENFORCEMENT OF APPROVED MODEL OHS LEGISLATION

To develop a policy, for approval by the Ministerial Council, dealing with the compliance and enforcement of the Australian laws that adopt the approved model OHS legislation, to ensure that a nationally consistent approach is taken to compliance and enforcement.

DESCRIPTION

This function requires Safe Work Australia to develop a policy dealing with compliance and enforcement of the model WHS laws. The purpose of this policy is to ensure that a nationally consistent approach is taken to compliance and enforcement of the model WHS laws in adopting jurisdictions.²⁹

Key achievements

The *National Compliance and Enforcement Policy* was endorsed by Safe Work Australia members on 29 July 2011 and by the WRMC on 10 August 2011.³⁰

Stakeholder views

Stakeholders agree that Safe Work Australia has performed this function well. However, there are mixed views as to whether Safe Work Australia should be responsible for developing a national policy dealing with compliance and enforcement of the model WHS laws. This mixed support is attributed to a lack of clarity around the demarcation of responsibilities between Safe Work Australia, HWSA and jurisdictions in relation to compliance and enforcement.

The majority of stakeholders see merit in Safe Work Australia having a role in developing and coordinating a consistent compliance and enforcement framework and working with jurisdictions to, as far as possible, deliver on that outcome. The ACTU considers that Safe Work Australia should be more active in this space and act as an influencer in the adoption and application of the *National Compliance and Enforcement Policy*.

Stakeholders supportive of Safe Work Australia retaining this function indicate that the *National Compliance and Enforcement Policy* helps

regulators to achieve a consistent national approach to compliance and enforcement issues, and is also useful in clarifying expectations for industry. For example, Queensland officials said:

“The value of a national approach to compliance and enforcement cannot be underestimated. The Compliance and Enforcement Policy is a very important and useful tool. It explains to everyone the compliance and enforcement posture of the regulator and importantly (as far as possible) reflects a consistent approach across the country. This is an extremely valuable tool for Ministers and regulators.”

The majority of stakeholders, including all social partners (i.e. ACTU, Australian Chamber and Ai Group) and a majority of regulators, support this as an ongoing function of Safe Work Australia. Most also suggest that, because the *National Compliance and Enforcement Policy* has now been developed, the focus of this function should shift to monitoring, evaluating and reviewing that policy. Specifically, going forward this should incorporate an assessment of what compliance and enforcement practices are being used and what practices work best, with the *National Compliance and Enforcement Policy* being revised accordingly.

However, those same stakeholders also note the distinction between developing a *National Compliance and Enforcement Policy*

29. Explanatory Memorandum, op cit

30. Safe Work Australia (2011), *National Compliance and Enforcement Policy*.

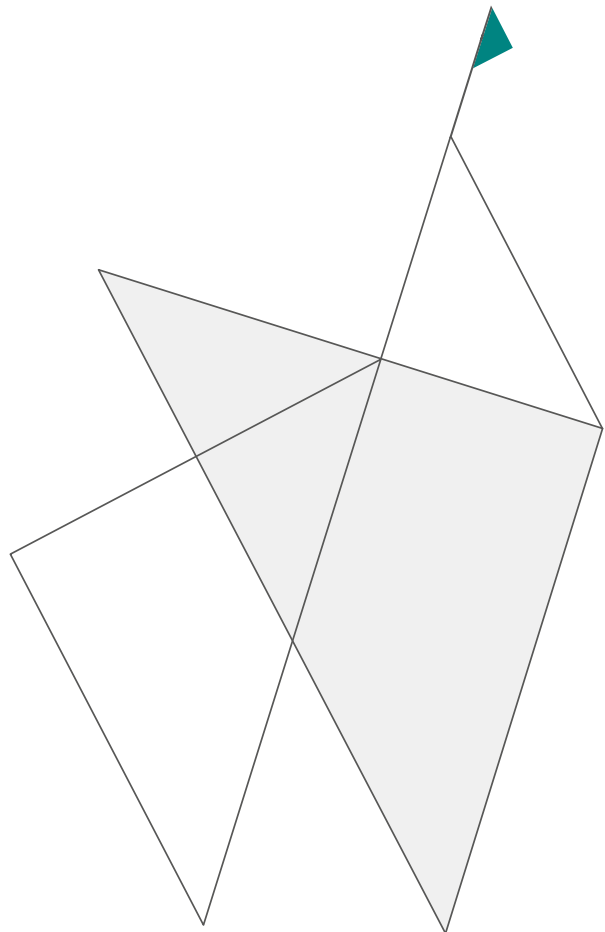
and implementing it. They expressed the view that implementation of, or operations relating to, compliance and enforcement are outside the remit of Safe Work Australia. As such, it is not within Safe Work Australia's authority to 'ensure' a nationally consistent approach to compliance and enforcement. This view is best expressed by Tasmanian officials who stated:

"...delivery of compliance and enforcement practices is outside of Safe Work Australia's control. This is a matter for the jurisdictions and as such it is not reasonable to assign this as a function of Safe Work Australia. It does not really matter how good the policy is there will be different approaches (to enforcement) in states and territories depending on the particular circumstances in those jurisdictions...'Ensuring' is not relevant and this should be adjusted to reflect 'support and encouragement' in meeting nationally consistent compliance and enforcement principles."

There are also strong opposing views from three regulators (Victoria, South Australia and Western Australia) that the development of a *National Compliance and Enforcement Policy* should not be a function of Safe Work Australia as it encroaches on jurisdictional responsibilities. The view is that all aspects of compliance and enforcement, including the development of a *National Compliance and Enforcement Policy* and its consistent application, is a matter for regulators and HWSA.

Summary

There is a majority view that Safe Work Australia should have involvement in the development of a national policy dealing with compliance and enforcement of model WHS legislation and this should continue in some form as a function of Safe Work Australia. However, the focus should shift to monitoring, reviewing and refining the *National Compliance and Enforcement Policy* as necessary to support a consistent approach.



CURRENT FUNCTION 6

MONITORING ADOPTION OF APPROVED MODEL OHS LEGISLATION ETC IN JURISDICTIONS

To monitor the adoption by the Commonwealth, states and territories of:

- a. the approved model OHS legislation as a law of those jurisdictions; and
- b. the approved model OHS codes of practice as codes of practice of those jurisdictions; and
- c. the approved OHS compliance and enforcement policy as a policy of those jurisdictions.

DESCRIPTION

This function requires Safe Work Australia to monitor and report on the adoption by the Commonwealth, states and territories of the model WHS laws, approved model WHS codes of practice and implementation of the WHS compliance and enforcement policy.³¹

Achievements

Safe Work Australia monitors and reports on the adoption by jurisdictions of the model WHS laws, approved model WHS codes of practice and the *National Compliance and Enforcement Policy*. Safe Work Australia does this through regular reporting and updates at Safe Work Australia member meetings. It should be noted that seven of the nine jurisdictions have enacted the model WHS Act and Regulations. Western Australia is considering options for implementing elements of the model WHS laws. The Victorian Government has indicated that it will not be adopting the model WHS laws in their current form.

Further information on the adoption of the model WHS laws can be found on Safe Work Australia's website.³² However the adoption of the model WHS codes of practice is less transparent with Safe Work Australia's website referring visitors to the regulator in their jurisdiction.

Stakeholder views

All stakeholders agree that it is important Safe Work Australia monitor the adoption of the model WHS laws and other materials because, as Tasmanian officials stated:

"In the absence of monitoring it is possible that jurisdictions will make changes and variations to the laws without other jurisdictions knowing about it. This is especially the case with codes of practice and other guidance, which is less transparent."

Stakeholders agree that Safe Work Australia has performed this function, but are not clear on what the purpose of the monitoring is and do not believe that the function is particularly useful in its current form. They note that the established process is mechanical and simplistic because it is largely reliant on reports by Safe Work Australia members on whether they have adopted the model WHS laws or not. NSW officials also note that there is no mechanism for Safe Work Australia to enforce adoption of the laws, nor are there any consequences for jurisdictions that do not adopt the model WHS laws or take unilateral action to amend them.

31. Explanatory Memorandum, op cit

32. Safe Work Australia, Model Codes of Practice, web page.

The majority of stakeholders consider it would be beneficial to refocus the function away from simply monitoring 'adoption' and to instead require that Safe Work Australia monitor the 'effectiveness' of the model WHS laws. For example, Comcare officials said:

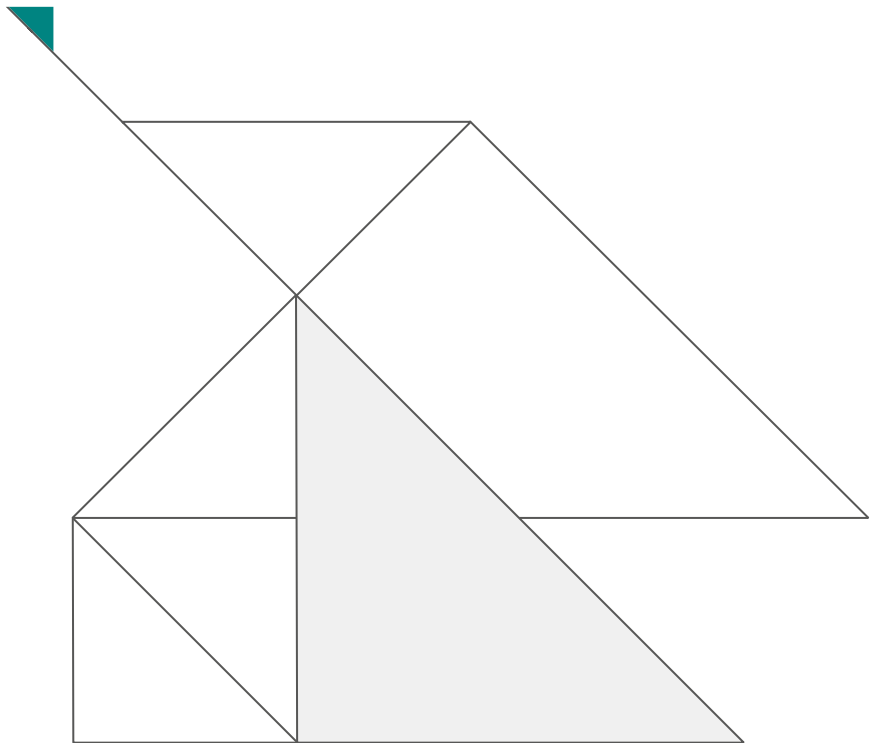
"...monitoring adoption of the model WHS laws is a relevant function for Safe Work Australia going forward, although it needs to be better targeted and clearer on the outcomes and actions required. To this end, the function should require Safe Work Australia to monitor the model WHS laws (including Codes) as adopted by jurisdictions to identify whether any variations have been made, why they have been made, the effectiveness of the variations and whether the model laws should be amended to reflect those variations..."

It should be noted that Safe Work Australia is already doing some of this work under its *Evaluation Plan for the Harmonisation of Work Health and Safety in Australia*³³ (the Evaluation Plan), which was approved by Safe Work Australia members in 2011. However, from the statements made by stakeholders it is not clear if the current plan adequately addresses all of their concerns.

Some jurisdictions, including NSW and Queensland, further suggest that the function could be expanded so that it allows Safe Work Australia to actively encourage/challenge jurisdictions that have not adopted the model WHS laws.

Summary

There is consensus that monitoring the adoption of model WHS laws remains an important function, but that the function should be expanded to also require the evaluation and review of the effectiveness of the model WHS laws.



33. Safe Work Australia (2011), *Evaluation Plan for the Harmonisation of Work Health and Safety in Australia*, 29 July 2011

CURRENT FUNCTIONS 7 & 8

COLLECTION OF DATA ETC

To collect, analyse and publish data or other information relating to OHS and workers' compensation in order to inform the development or evaluation of policies in relation to those matters.

RESEARCH ETC

To conduct and publish research relating to OHS and workers' compensation in order to inform the development or evaluation of policies in relation to those matters.

DESCRIPTION

This function requires Safe Work Australia to collect, analyse and publish data or other information and to conduct and publish research relating to WHS and workers' compensation. This is intended to ensure that Safe Work Australia has up to date, relevant and industry-specific information to inform the development or evaluation of policies. It is also intended to ensure that information is available to jurisdictions, industries or other groups who wish to use the information to benchmark or improve their WHS performance.³⁴

Key achievements

Regulators and the broader community regard Safe Work Australia as the authoritative source of WHS and workers' compensation data. Safe Work Australia collects administrative data provided by jurisdictions and augments this with data from other organisations such as the National Coronial Information System, Australian Bureau of Statistics, Australian Institute of Health and Welfare and Australian Mesothelioma Registry. This data is then collated into three main databases—the National Data Set for Compensation-based Statistics, the Traumatic Injury Fatalities and the Notifiable Fatalities collections—which together form the basis of Safe Work Australia's data and analysis capability.

Major reports drawn from these collections—such as the Australian Workers' Compensation Statistics, Work-Related Traumatic Injury Fatalities and Comparative Performance Monitoring reports—are published each year. Safe Work Australia also manages the contract for the Australian Mesothelioma Registry which collects mesothelioma incidence data and information on the likely asbestos exposures of people diagnosed with the disease.

Safe Work Australia undertakes a research programme covering a broad range of current and emerging WHS and workers' compensation issues. The current research program focuses on four main areas including occupational disease, hazard surveillance, workplace culture and the evaluation of interventions.³⁵ Safe Work Australia also undertakes work to evaluate the implementation of the harmonisation of the WHS legislative framework, which is set out in the Evaluation Plan.

Stakeholder views

All stakeholders agree that the collection of data and research are important functions for Safe Work Australia, with a number of stakeholders stating that these are its most vital and valuable functions. On the function of data collection specifically, the Comparative Performance Monitoring and fatality reports were often identified as particularly useful, with jurisdictional regulators noting their usefulness in policy development.

Stakeholders are of the view that Safe Work Australia should continue to perform this function. They consistently indicate Safe Work

34. Explanatory Memorandum, op cit

35. Safe Work Australia, Research and Evaluation, web page

Australia is the only body in Australia that takes a national view when collecting data and undertaking research. Stakeholders are concerned that if this function were removed it would result in a piecemeal and uncoordinated approach to data collection and research, which would lack a national perspective. Officials from jurisdictional regulators also said it would be very difficult for them to gather data and research from each other, primarily because of resource constraints.

Stakeholders typically note that Safe Work Australia's ability to perform the data collection function is inhibited by inconsistent jurisdictional data, due to differences in scheme structures and criteria applied. This makes benchmarking and accurate comparisons difficult. Stakeholders suggest that a revised data collection function for Safe Work Australia should incorporate coordinating the collection of 'consistent' data by jurisdictions—through, for example, the establishment of a consistent data set across Australia. This approach would, as NSW officials noted:

"...enable benchmarking, which could then be useful to jurisdictions and HWSA in terms of implementation and compliance. For example, identifying which compliance measures are being used and which are most effective."

Stakeholders generally note that policy development cannot be effectively delivered without a supporting evidence base obtained through data collection and research, and suggested that these functions should be more closely integrated. As stated by the ACTU:

"...there is a close connection between research and policy. Research and policy move in lock step and Safe Work Australia needs to actively pursue research which informs policy direction and provides some clarity about effectiveness."

Stakeholders likewise suggest that the data and research functions need to be closely aligned with and support the Australian WHS Strategy or other priorities identified by Safe Work Australia members. For example, Western Australian officials said:

"Research needs to align with and support the priorities in the national strategy. It needs to be driven by the data, which focusses on the issues that are hurting people in the workplace, and also identify what action is required to address the issue ...and what solutions might be available."

There is a further suggestion that the research function requires the development of a discrete 'research strategy' to ensure the research aligns with the Australian WHS Strategy and other priorities, and that research at a national level does not duplicate research being done at the jurisdictional level, and vice-versa.

Summary

There is consensus that the data collection and analysis and research functions should continue as they are vital to delivering sustained improvements in WHS and workers' compensation. However, there are opportunities to improve Safe Work Australia's performance of this function so that the work informs future national policy development.

CURRENT FUNCTION 9

NATIONAL OHS STRATEGY 2002–2012

To revise and further develop the National OHS Strategy 2002 2012 released by the Ministerial Council on 24 May 2002, as amended from time to time.

DESCRIPTION

This function requires Safe Work Australia to continue the work of its predecessors, the ASCC and the NOHSC, in relation to the National OHS Strategy as amended from time to time.

The function also requires Safe Work Australia to revise and further develop the National OHS Strategy. Each year Safe Work Australia must report to WHS Ministers on progress against the National OHS Strategy.³⁶

Key achievements

The National OHS Strategy was revised to the Australian WHS Strategy, which was formally endorsed by all WHS ministers, the ACTU, Australian Chamber and Ai Group in October 2012 following an 18-month consultation period and agreement by Safe Work Australia members.

Stakeholder views

All stakeholders endorse the development of a national WHS strategy as a function of Safe Work Australia and noted that Safe Work Australia had performed this function extremely well.

Stakeholders view a national WHS strategy as critical to ensuring a consistent and coordinated national focus on priority WHS issues and driving improvements in performance benchmarks and objectives. Without a national WHS strategy, stakeholders firmly believe that jurisdictions' approaches to significant WHS issues would be more ad hoc.

All stakeholders consider this is an essential function, although there is recognition that the wording is outdated and needs to be updated and refined to avoid future obsolescence. Stakeholders also suggest revising the function to include requirements for the national WHS strategy to be monitored and regularly evaluated (e.g. every five years).

ACT officials questioned whether the current 10 year timeframe for the Australian WHS Strategy should be reduced to five years because of the significant changes that can occur over a decade in the level of injuries, industry performance and serious emerging issues. For example, the changing nature of work as a result of globalisation and workplace and industry restructuring.

Summary

There is unanimous agreement that the Australian WHS Strategy is important and that Safe Work Australia should continue to have a role in reviewing, reporting on and coordinating activity under the Australian WHS Strategy. However, the wording of the function is outdated and needs to be revised to allow more flexibility to reflect the passage of time.

³⁶. Explanatory Memorandum, op cit

CURRENT FUNCTION 10

NATIONAL AWARENESS STRATEGIES

To develop and promote national strategies to raise awareness of OHS and workers' compensation.

DESCRIPTION

This function requires Safe Work Australia to develop and promote national strategies to raise awareness of WHS and workers' compensation.³⁷

Key achievements

Safe Work Australia contributed to raising public awareness of WHS issues through a number of activities including:

- the Safe Work Australia Awards
- National Safe Work Australia month
- the annual Virtual Seminar Series (VSS)
- sponsorships and speaking requests, and
- social media engagement.

Safe Work Australia also has approximately 20 000 subscribers who receive regular alerts and updates on WHS and workers' compensation materials, information, research and initiatives.

Stakeholder views

When considering this function, stakeholders generally view 'national awareness strategies' as media campaigns and public promotions (e.g. through television advertising).

There are mixed views as to how well Safe Work Australia has performed this function. There is a view that Safe Work Australia's delivery of national awareness strategies for workers' compensation has been quite limited, mainly because of the primary focus on WHS and complexities with workers' compensation policy more broadly. However, the majority of stakeholders acknowledge that, workers' compensation aside, Safe Work Australia has put considerable effort into national WHS awareness campaigns. Stakeholders note the VSS as a good example of this effort.

Stakeholders acknowledge that Safe Work Australia's capacity to deliver national awareness strategies is hampered by resource restrictions.

Stakeholders feel that there is value in leveraging technology and using alternative media to extend the reach of Safe Work Australia's communication footprint—for example, expanding the VSS programme. However, stakeholders are not clear whether it is necessary to include specific reference to alternative media in the legislated function.

A number of stakeholders assert that Safe Work Australia does not have a strong public brand and that the general public think Safe Work Australia is a regulator, which can cause confusion. In addition, some stakeholders feel the name 'Safe Work Australia' fails to recognise its workers' compensation function. These issues are summarised by NSW officials who stated:

"An issue with 'awareness raising strategies' is that states and territories often want to promote their own brand and in some cases it is not helpful for Safe Work Australia to undertake 'national' campaigns. In some cases this may serve to confuse people about the role of Safe Work Australia vs the role of the state based agency. This raises a broader question about the Safe Work Australia 'brand' and whether the naming of Safe Work Australia is helpful. The name itself indicates a focus on safety almost to the exclusion of workers' compensation. The risk is that workers' compensation is not seen as a specific function of Safe Work Australia."

It was variously suggested that the concerns about overlapping branding and messaging could be addressed in part by clearly expressing the delineation of roles of Safe Work Australia, jurisdictional regulators, HWSA and HWCA.

37. Explanatory Memorandum, op cit

There was also some support for rebranding Safe Work Australia.

A number of stakeholders suggest Safe Work Australia's function should be modified to include facilitating resource sharing, and partnering with states and territories to support and promote jurisdictional campaigns at a national level, consistent with the Australian WHS Strategy. Tasmania also proposes that the function should not focus on 'awareness' strategies per se because people are already aware of WHS, but rather 'increasing understanding.'

Other stakeholders are of the view that Safe Work Australia should be responsible for high-level, policy-focussed national messaging that supports the Australian WHS Strategy.

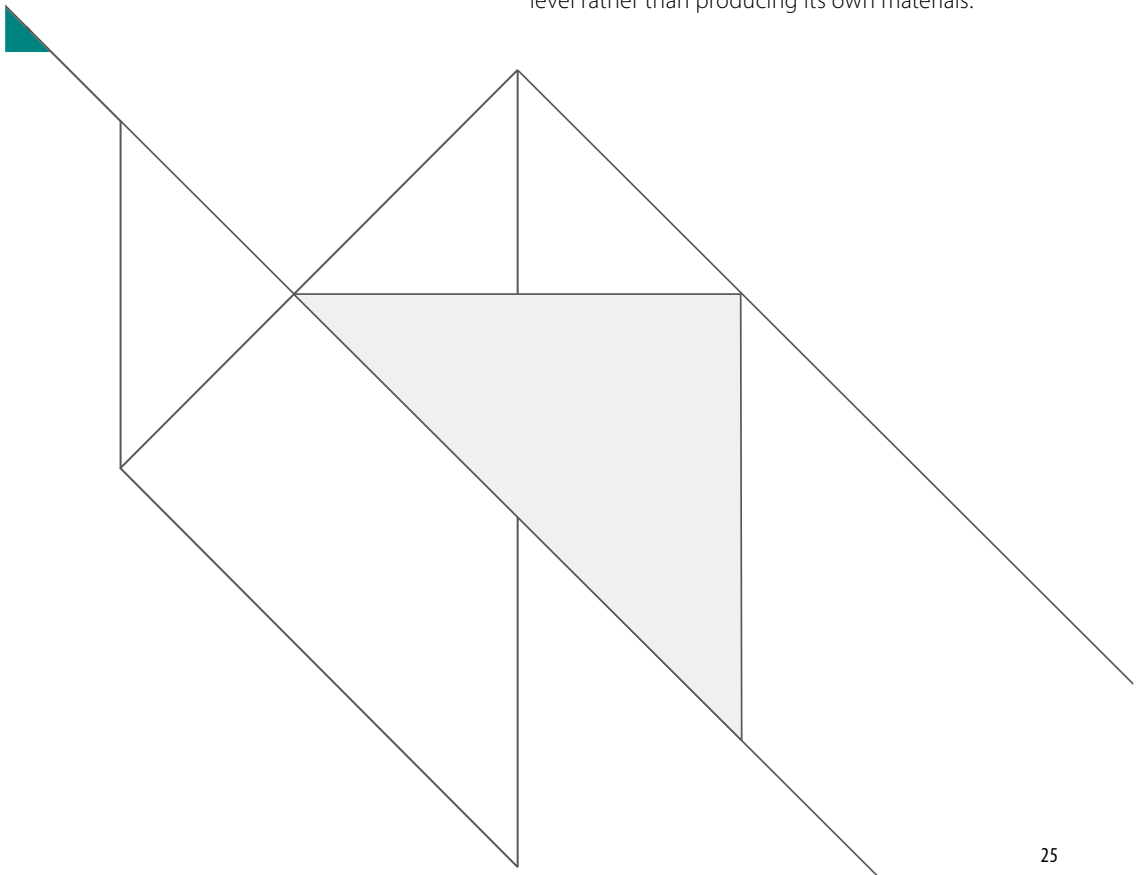
For example, South Australian officials consider that:

"National leverage is important and the message on safety needs to be universal. This should continue as a function although Safe Work Australia needs to be more selective and pick the issues that have an impact in all jurisdictions."

Although all stakeholders see this as a valid activity for Safe Work Australia, NSW and Queensland question whether this needs to be a specific function or whether it should be considered part of its other functions.

Summary

There is unanimous agreement that Safe Work Australia should continue to be engaged in national awareness strategies to the extent that they support the Australian WHS Strategy and do not duplicate jurisdictional campaigns. However, there are differing views on how Safe Work Australia should perform this function. For example, by partnering with regulators to promote jurisdictional campaigns at a national level rather than producing its own materials.



CURRENT FUNCTION 11

WORKERS' COMPENSATION ARRANGEMENTS

To develop proposals relating to:

- a. harmonising workers' compensation arrangements across the Commonwealth, States and Territories; and
- b. national workers' compensation arrangements for employers with workers in more than one of those jurisdictions.

DESCRIPTION

This function requires Safe Work Australia to develop proposals relating to the harmonisation of workers' compensation arrangements across the Commonwealth, the states and the territories, and proposals relating to national workers' compensation arrangements for employers with workers in more than one jurisdiction.³⁸

Key achievements

Safe Work Australia's Strategic Issues Group—Workers' Compensation (SIG-WC) leads national strategy and policy development to improve workers' compensation arrangements throughout Australia. This work is supported by Temporary Advisory Groups. Through this process Safe Work Australia has undertaken a program of work to achieve positive outcomes in important areas of return to work, deemed diseases, permanent impairment and developing minimum benchmarks for the National Injury Insurance Scheme and the application of workers' compensation legislation to ensure older workers are not disadvantaged.

Stakeholder views

Stakeholders highlighted a number of concerns in relation to Safe Work Australia's functions regarding workers' compensation, which are discussed at Current Function 1. Noting these issues, stakeholders consider that this function is not clearly expressed, or is expressed in such a way as to not be achievable by Safe Work Australia.

Stakeholders generally note that if 'harmonising' is taken to mean nationally consistent laws as per the model WHS laws, then there is no realistic prospect of harmonising workers' compensation laws in the short to medium term.

Despite the above concerns, almost all stakeholders think there is an important role for Safe Work Australia to play in workers'

compensation, due in part to its national focus and tripartite representation, and the linkage between healthy workplaces and reductions in injury rates and the frequency and cost of workers' compensation. One such area would be comparing jurisdictions to identify best practice and then promoting those practices to other jurisdictions with supporting evidence and encouraging the application of consistent standards.

Further, almost all stakeholders agree that, rather than 'harmonisation', a better objective would be promoting greater consistency among jurisdictional workers' compensation schemes, and that the function should be revised to reflect this alternative. For example, ACTU officials stated:

"The function is important and there needs to be a national focus on workers' compensation but this should be on projects to develop commonality and common standards of practice rather than harmonised laws."

Ai Group was the only stakeholder to suggest that the workers' compensation function could be removed. This is because:

"...in some respects, asking Safe Work Australia to focus on workers' compensation may get in the way/distract from the important work that needs to continue to happen in WHS and over time result in a fracturing of the current harmonisation process."

38. Explanatory Memorandum, op cit

This suggestion was contingent on another body taking over responsibility for this work. However, stakeholders are concerned there is no other alternative national tripartite body like Safe Work Australia which could adequately perform this function.

Summary

There is a majority view that workers' compensation remains a valid function for Safe Work Australia, but that the function needs to be refocussed away from 'harmonisation' to more achievable outcomes, such as 'promoting consistency' in operational standards and practices through evidence-based models.

CURRENT FUNCTION 12

ADVISING MINISTERIAL COUNCIL ON OHS AND WORKERS' COMPENSATION

To advise the Ministerial Council on matters relating to OHS or workers' compensation.

DESCRIPTION

This function provides for Safe Work Australia to advise the Ministerial Council on matters relating to WHS or workers' compensation.³⁹ The SWA Act defines the Ministerial Council as:

"...the council of Commonwealth, State and Territory Ministers that:

- a. is known as the Workplace Relations Ministers' Council on the day on which this definition commences; and
- b. is constituted so that it consists of no more than one Minister representing each of the Commonwealth, the States and the Territories when dealing with matters with which this Act is concerned."

The Explanatory Memorandum to the SWA Act further stated that "SWA will be a reform-focussed body with the power to make recommendations 'directly' to the Workplace Relations Ministers' Council (WRMC)."

However, as discussed in Chapter 2 of this Report,⁴⁰ the Ministerial Council no longer exists in an official form. Rather, the Commonwealth Minister for Employment currently performs a role equivalent to the chair of the Ministerial Council.

For example, the Commonwealth Minister for Employment provides a conduit through which Safe Work Australia seeks approval of matters relating to the model WHS laws from all Commonwealth, state and territory Ministers with responsibility for WHS (i.e. WHS Ministers).

Key achievements

Safe Work Australia provided reports and updates to WHS Ministers. WHS and workers' compensation have been regular agenda items at SOM and WHS Ministers meetings, and state and territory members have contributed to decision making on key national policy issues, particularly in relation to the development of the model WHS laws. This included WHS Ministers endorsing the model WHS Act in December 2009, followed by

the model WHS Regulations in 2011 and a further 23 model Codes of Practice.

Stakeholder views

Stakeholders generally consider that Safe Work Australia performed this function quite well while WRMC and the Select Council existed, as evidenced by WHS consistently being on the agenda and given priority at WRMC and Select Council meetings. They note that there

39. Explanatory Memorandum, op cit

40. Refer to the sub-section in this Report titled 'WHS Ministers', p.4.

was a good reporting process through the Commonwealth Minister to WRMC and the Select Council when they existed, but it is no longer clear to them how this function is performed.

There is a strong view that the function needs to be updated to reflect the fact there is no longer a formal Ministerial council through which to progress work and to clarify the interaction between Safe Work Australia members and WHS Ministers as a collective—that is, the current process for seeking Ministerial approvals etc is much less structured and formal than was the case under WRMC and the Select Council. Other stakeholders see the provision of advice to WHS Ministers as relevant, but suggest it would be better to clarify Safe Work Australia's role in advising WHS Ministers and related reporting arrangements in the IGA.

Some stakeholders do not see it as necessary to legislate this function at all. They are of the view that this is an operational matter which is done as part of business as usual and does not need to be legislated in the SWA Act for it to be done.

However, as noted in Chapter 2 of this Report, the SWA Act gives legislative effect to the matters agreed in the IGA, which sets out the role and responsibilities of WHS Ministers in relation to Safe Work Australia. Among other things the IGA requires that the SWA Act include "...the reporting requirements of [Safe Work Australia] to WRMC [i.e. WHS Ministers]..." and that Safe Work Australia "...will be constituted by Members who will be accountable to WRMC [i.e. WHS Ministers]."

Summary

All stakeholders recognise that Safe Work Australia needs to ensure that WHS Ministers are advised about developments or progress in their portfolio area, but there are mixed views on whether this function should continue to be legislated in the SWA Act. Regardless, the IGA currently requires that the SWA Act incorporate reporting requirements of Safe Work Australia to WHS Ministers.

CURRENT FUNCTION 13

LIAISING OUTSIDE AUSTRALIA ON OHS AND WORKERS' COMPENSATION

To liaise with other countries or international organisations on matters relating to OHS or workers' compensation.

DESCRIPTION

This function requires Safe Work Australia to liaise with other countries or international organisations on matters relating to WHS or workers' compensation.⁴¹

It is primarily the role of the Commonwealth Department of Employment to represent the views of the Australian Government on WHS and workers' compensation at relevant international forums, such as the ILO and the Organisation for Economic Co-operation and Development.

However, in recognition of Safe Work Australia's expertise in certain areas, Safe Work Australia represents the Australian Government on the UN Sub-Committee of Experts on the Globally Harmonised System of Classification and Labelling of Chemicals on behalf of the Department.

Key achievements

Safe Work Australia participates in the international WHS and workers' compensation community, including by hosting numerous international delegations and attending international fora to exchange information and intelligence on WHS and workers' compensation matters.

Stakeholder views

Stakeholders generally agree that this is an important function, but have mixed views regarding Safe Work Australia's performance. Stakeholders identified moderate achievements by Safe Work Australia in this area, most notably in respect of WHS and attendance at national conferences and participation in chemicals related issues, such as the Globally Harmonised System of Classification and Labelling of Chemicals and Dangerous Goods. However, some stakeholders believe that outcomes of this function are not always visible, and rarely involve workers' compensation.

Stakeholders have a tendency to consider international liaison predominantly in the context of data collection and performance benchmarking for WHS, although some stakeholders

more broadly consider international engagement to encompass 'best practice' generally.

Regardless, there is a consistent view that connecting with other countries and international organisations is necessary to help inform the national policy agenda in the pursuit of excellence in WHS to international best practice standards. Stakeholders recognise that international participation assists in identifying and anticipating the WHS challenges of tomorrow's workplace, and it is useful in this sense to coordinate and collaborate on such matters. For example, Comcare officials consider that:

"...there are good lessons to be had from international experiences and research etc., and international engagement and liaison is probably a legitimate function for Safe Work Australia."

Noting the above, stakeholders generally agree that international liaison is a relevant function for a national body such as Safe Work Australia, more so than individual jurisdictions. They suggest that it is better to have one agency looking overseas—rather than nine—to ensure consistency and provide a national interface, with relevant information passed on to individual jurisdictions.

41. Explanatory Memorandum, op cit

However, there is also a view among a number of stakeholders, including NSW, Queensland, Western Australia and the ACTU, that this function should be expressed more proactively and in such a way as to enable Safe Work Australia to take a role in promoting WHS within the Asia Pacific region and supporting less developed regional economies such as Fiji, Tonga and Papua New Guinea.

Several stakeholders also suggest that international engagement undertaken in pursuit of this function needs to be strategic and outcomes focussed, and that as such it must be linked to the delivery of other functions such as national policy development and the national strategy.

In respect of workers' compensation specifically, HWCA notes that:

"...[international liaison] is a useful function for WHS but is not such an issue for workers' compensation given the variety of schemes and the complexity of issues."

Summary

Overall, noting the role of the Department of Employment, stakeholders support the continuation of this function albeit with a more strategic focus and alignment with other functions.

CURRENT FUNCTION 14

OTHER CONFERRED FUNCTIONS

Such other functions that are conferred on it by, or under, this Act or any other Commonwealth Act.

DESCRIPTION

This function allows Safe Work Australia to perform other functions conferred on it by or under the SWA Act or any other law of the Commonwealth. For example, additional functions may be conferred by regulations made under the SWA Act.⁴² However, no additional functions have been conferred on Safe Work Australia.

Stakeholder views

Officials from a number of jurisdictional regulators (including NSW, Victoria, Western Australia, Tasmania and Comcare) and the ACTU note that this function caters for flexibility and would allow for additional functions to be conferred on Safe Work Australia to allow it to have a greater role in coordinating responses to national issues which fall within the 'grey area' of overlap between the WHS and public health and safety spheres—that is, issues which impact WHS but do not solely fall within the powers of WHS regulators to address. Matters such as quad bikes and asbestos importation are generally identified as falling into this 'grey area.'

These stakeholders consider that Safe Work Australia is better placed than jurisdictional regulators to liaise with the relevant responsible Commonwealth bodies to coordinate a national response. No consideration was given to the Department of Employment performing this role. There are also mixed views on whether this role should be specifically legislated as a function.

Summary

Generally stakeholders recognise that Safe Work Australia may need to undertake other, as yet unspecified functions. To this end there is merit in having sufficient flexibility to allow this to occur.

42. Explanatory Memorandum, op cit

A large, bold, grey number '5' is centered on the page. A small, dark blue arrow points to the bottom-left curve of the number.

5

DISCUSSION AND RECOMMENDATIONS

CLARIFYING SAFE WORK AUSTRALIA'S ROLE

Acts often include 'Objects' provisions, which "...give readers a general understanding of the purpose of legislation, or to set out general aims or principles that help readers to interpret the detailed provisions of legislation."⁴³ For statutory authorities, Objects provisions can contextualise how the authority is to perform its functions.

For example, the NOHSC Act included an 'Objects' section, which clearly set the context within which that Commission was to operate. Legislation establishing other statutory authorities such as the Asbestos Safety and Eradication Agency, Federal Safety Commissioner and Australian Maritime Safety Authority, similarly have Objects provisions.

The SWA Act does not contain an Objects or similar provision. The outline to section 3 of the Act, 'What this Act is about', merely provides an overview of the Act. Other than this statement, there is no reference in the SWA Act to Safe Work Australia's role in 'improving' WHS outcomes and workers' compensation arrangements. Also of note is that the primary characteristics of Safe Work Australia identified by stakeholders are not clearly stated in the SWA Act—that is to provide a:

- mechanism for coordinating consistent approaches to WHS across Australia, and
- framework for tripartite engagement on WHS and workers' compensation matters.

The SWA Act would benefit from a statement, for example an Objects provision, which clearly identifies Safe Work Australia's role and provides guidance as to how it is to perform its functions and the various relationships and dependencies between those functions. Consistent with stakeholders' views it is suggested that the SWA Act clarify that Safe Work Australia is established for the following purposes:

- To improve WHS outcomes and workers' compensation arrangements
- To provide a tripartite forum for representatives of the Government of the Commonwealth, the Governments of the States and of employers and employees to collaborate on WHS and workers' compensation
- To lead the development of evidence-based national policies and strategies, and
- To promote national consistency in WHS and workers' compensation arrangements.

This additional context will help to clarify the role and sharpen the focus of Safe Work Australia.

RECOMMENDATION 1

That the SWA Act be amended to clarify that Safe Work Australia is established to improve national WHS outcomes and workers' compensation arrangements by:

- a. providing an inclusive tripartite forum for governments, employer and employee representatives to collaborate on national WHS and workers' compensation matters
- b. leading the development of national WHS and workers' compensation policies and strategies that are underpinned by evidence, and
- c. promoting consistency in WHS and workers' compensation arrangements across Australia.

43. Office of Parliamentary Counsel (2015), *OPC's drafting services: a guide for clients* (Fifth edition), Canberra, December 2015, p.32

UPDATING SAFE WORK AUSTRALIA'S LEGISLATIVE FUNCTIONS

Section 6 of the SWA Act currently lists 14 functions, and there is broad support among stakeholders for the continuation of the majority of those functions. However, the functions need to be revised and updated to provide a clearer and simpler set of functions, which are also more obviously connected with the ongoing role of Safe Work Australia.

An example of the need to update the functions is Current Function 9, which refers to the *National OHS Strategy 2002–2012*. While there is unanimous support for a WHS Strategy, the wording in the Act is clearly out of date. Similarly, Current Functions 2 and 3 refer only to 'preparing' a model Act and Regulations and Codes of Practice. Stakeholders repeatedly pointed out that this has clearly been achieved

and there must now also be some focus on evaluating and revising these instruments.

There is also an opportunity to consolidate functions. For example, functions related to the model WHS legislative framework (i.e. the model Act, regulations, Codes of Practice and other guidance materials) could be consolidated.

The relationships between the various functions can also be further clarified. For example, the interconnection between the collection of data and research and the development of national policy.

In addressing these issues it is proposed that the functions of Safe Work Australia be revised as follows.

PROPOSED FUNCTION 1

NATIONAL POLICY AND STRATEGY

Develop, evaluate and revise national work health and safety and workers' compensation policies and supporting strategies, which must include:

- a. a national work health and safety and workers' compensation strategy, and**
- b. a national compliance and enforcement policy.**

The proposed National Policy and Strategy function updates and consolidates Current Functions 1, 5 and 9. All Stakeholders support the continuation of 'national policy development' as fundamental work of Safe Work Australia and also support the development of national strategies to give effect to national policy directions. Stakeholders agree that achieving greater improvements in WHS will be better realised through a more structured and strategic approach.

In recognition of this, the proposed function provides for Safe Work Australia to develop and revise 'strategies' to support national WHS and workers' compensation policies, without specifically limiting the function to a single strategy. That is, the proposed function is flexible enough to enable Safe Work Australia to develop

a number of national strategies focussed on different national policy objectives, and enables it to anticipate and respond to the health and safety challenges of social, economic and technological change.

The National WHS Strategy is a key example of a focussed approach to realising the policy intent of improving WHS outcomes, and there is unanimous agreement that a national WHS strategy is critical and should continue. The continued development of the National WHS Strategy would fall within the proposed National Policy and Strategy function. Removing the reference to a particular strategy means the function will always remain current.

The *National Compliance and Enforcement Policy* is another example of where a national policy is required to achieve a nationally consistent approach. Stakeholders are generally supportive of Safe Work Australia continuing to undertake national policy work in relation to national compliance and enforcement issues. There is a clear view that going forward this function should incorporate an assessment of what compliance and enforcement practices are being used and what practices work best, with the *Compliance and Enforcement Policy* being revised accordingly.

The current Function 5 requires that the *National Compliance and Enforcement Policy* be approved by the Ministerial Council. A similar approval process is implied for the *National OHS Strategy 2002–2012* (Current Function 9). For clarity, and in recognition of the collaborative nature of Safe Work Australia, the SWA Act should continue to prescribe a role for the Commonwealth, state and territory WHS Ministers to approve the development or amendment of a national WHS and workers' compensation strategy, and a national compliance and enforcement policy. This could be achieved through, for example, the inclusion of a new provision in section 7 of the SWA Act, 'Performance of Functions.'

PROPOSED FUNCTION 2

MODEL WORK HEALTH AND SAFETY LEGISLATIVE FRAMEWORK

Develop, monitor, evaluate and revise as necessary a model work health and safety legislative framework including:

- a. acts
- b. regulations
- c. codes of practice, and
- d. other materials.

The proposed Work Health and Safety Legislative Framework function updates and consolidates Current Functions 2, 3, 4 and 6. Stakeholders unanimously agree that Safe Work Australia should continue to oversee the model WHS legislative framework. Some stakeholders are of the view that the function should require Safe Work Australia to be more proactive in monitoring and advocating adherence to the model WHS laws.

The proposed function recognises that, given the model WHS laws have been developed, performing this function will involve the evaluation and revision of the model WHS laws as necessary to ensure national consistency in both adoption and application of those laws.

The inclusion of 'other materials' in the function is broad enough to cover materials which support the consistent interpretation of the model WHS laws and compliance with the framework, such as interpretive guidelines and advice.

The current Functions 2 and 3 also require that the model WHS laws (Function 2) and codes of practice (Function 3) be approved by the Ministerial Council. In recognition of the collaborative nature of Safe Work Australia, the SWA Act should continue to prescribe a role for the Commonwealth, state and territory WHS Ministers to approve the development or amendment of model acts, regulations and codes of practice. This could be achieved through, for example, the inclusion of a new provision in section 7 of the SWA Act, 'Performance of Functions.' This requirement for Ministerial approval should not extend to 'other materials' produced by Safe Work Australia.

PROPOSED FUNCTION 3

WORKERS' COMPENSATION

Develop proposals to improve and promote national consistency in workers' compensation arrangements.

The proposed 'Workers' Compensation' function revises and replaces Current Function 11, which implies a legislative approach to harmonising workers' compensation. There is minimal support among stakeholders for a function that requires efforts to harmonise workers' compensation legislation. Stakeholders generally agree that the objective of harmonising workers' compensation arrangements is not achievable in the short to medium term.

However, almost all stakeholders support Safe Work Australia working with states and territories to drive improved workers' compensation outcomes through 'consistent' workers' compensation standards and promotion of better practices.

The proposed 'Workers' Compensation' function therefore maintains a role for Safe Work Australia in the important area of workers' compensation, albeit with a more achievable objective of greater national consistency and a proactive focus on 'promoting' that objective.

PROPOSED FUNCTION 4

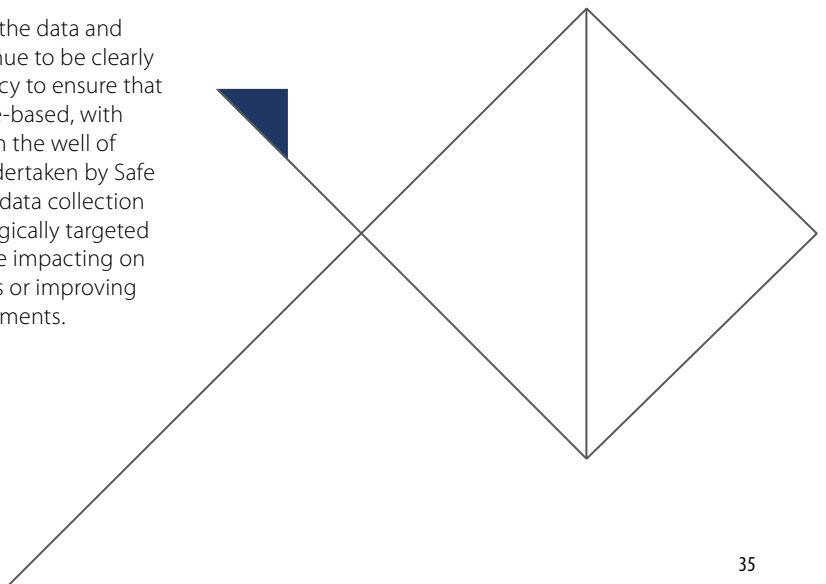
EVIDENCE

Collect, analyse and publish relevant national workplace data and undertake and publish research to inform the development and evaluation of work health and safety and workers' compensation policies and strategies across Australia.

The proposed Evidence function updates and consolidates Current Functions 7 and 8. Stakeholders unanimously agree the collection and interrogation of workplace data in conjunction with targeted research are vital functions of Safe Work Australia.

There is strong agreement that the data and research activities should continue to be clearly tied to the development of policy to ensure that policy development is evidence-based, with that evidence being drawn from the well of data collected and research undertaken by Safe Work Australia. Importantly the data collection and research needs to be strategically targeted to focus on those things that are impacting on the health and safety of workers or improving workers' compensation arrangements.

The proposed Evidence function acknowledges the interconnectedness between data collection, research and policy development (i.e. proposed Function 1 – Policy and Strategy).



PROPOSED FUNCTION 5

EDUCATION AND COMMUNICATION

Develop and implement national education and communication strategies and initiatives to support improvements in work health and safety outcomes and workers' compensation arrangements and promote national consistency.

The Education and Communication function replaces Current Function 10, which involves developing and promoting 'National awareness strategies.' While stakeholders expressed mixed views about the function of national awareness raising strategies, there was recognition that there is an important and ongoing role for Safe Work Australia in developing national approaches to educate workplaces to build capabilities to effectively manage safety and embed good safety practices in workplaces.

Further, educative strategies need to be complemented by the design, development and application of effective communication strategies to support the practical application of safety management in workplaces.

Education and communication strategies developed and implemented by Safe Work Australia should promote consistency and clearly support national policies and strategies to improve national WHS outcomes and workers' compensation arrangements.

PROPOSED FUNCTION 6

COLLABORATION

Collaborate with Commonwealth, state and territory governments, and other national and international bodies on work health and safety and workers' compensation policy matters of national importance.

The proposed Collaboration function replaces Current Function 13, which involves "Liaising with other countries or international organisations." Stakeholders generally support Safe Work Australia continuing to perform this function.

The sharing of ideas and learnings is an important feature of policy development. As such, the revised function would allow Safe Work Australia to engage with national and international bodies in an effort to drive further improvements in WHS outcomes and workers' compensation and respond to emerging opportunities and challenges of future workplaces. Nonetheless, the Department of Employment will continue to be the primary representative of the Australian Government on WHS and workers' compensation matters internationally.

However, a number of stakeholders indicated that the function of 'liaising' is too passive and simply reflects the sharing of information rather than deeper engagement and cooperation on projects and issues, and that the function could be better focussed. With this in mind it would be more beneficial for Safe Work Australia to 'collaborate' rather than simply 'liaise' with relevant bodies on specific matters that are fundamental to Safe Work Australia performing its role in driving improvements in WHS outcomes and workers' compensation arrangements.

PROPOSED FUNCTION 7

ADVISING MINISTERS

To advise relevant Commonwealth, state and territory Ministers on national policy matters and initiatives relating to work health and safety and workers' compensation.

The proposed Advising Ministers function updates Current Function 12. Although a formal Ministerial Council on WHS no longer exists, it remains vital that Commonwealth, state and territory WHS Ministers are effectively engaged in efforts to deliver nationally consistent WHS laws and improved outcomes in workers' compensation. It is therefore entirely appropriate that the relevant Commonwealth, state and territory Ministers are advised on matters regarding WHS and workers' compensation by the national policy body.

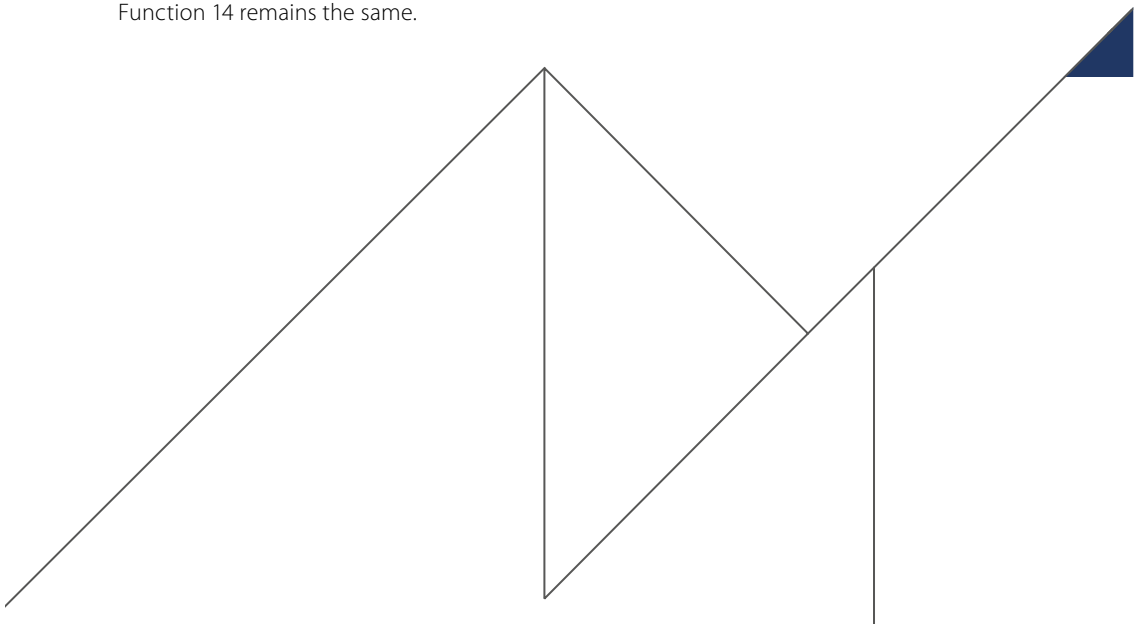
The current process of Safe Work Australia seeking WHS Ministers approval of matters via the Commonwealth Minister would be one mechanism by which this could occur, noting that the IGA also sets out what matters should be considered by WHS Ministers and the relevant voting processes.

PROPOSED FUNCTION 8

OTHER CONFERRED FUNCTIONS

To undertake such other functions as may be conferred upon Safe Work Australia by legislative instrument.

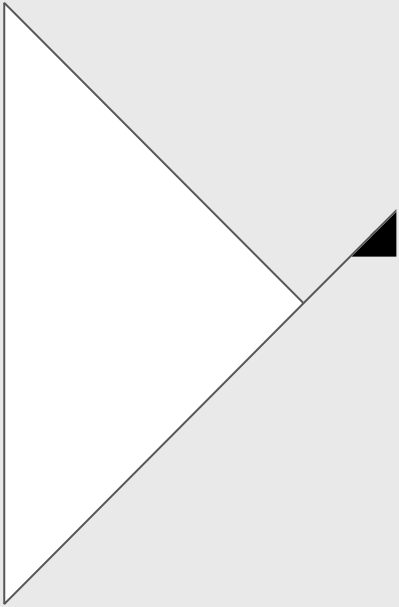
Stakeholders agree that changed circumstances may require additional functions to be undertaken by Safe Work Australia and there needs to be sufficient flexibility to address such changes. It is recommended that existing Function 14 remains the same.



RECOMMENDATION 2

That the topics and functions outlined in the SWA Act be amended to provide that Safe Work Australia's functions are:

1. **NATIONAL POLICY AND STRATEGY**
Develop, evaluate and revise national work health and safety and workers' compensation policies and supporting strategies, which must include:
 - a. a national work health and safety and workers' compensation strategy, and
 - b. a national compliance and enforcement policy.
2. **MODEL WORK HEALTH AND SAFETY LEGISLATIVE FRAMEWORK**
Develop, monitor, evaluate and revise as necessary a model work health and safety legislative framework including:
 - a. acts
 - b. regulations
 - c. codes of practice, and
 - d. other materials.
3. **WORKERS' COMPENSATION**
Develop proposals to improve and promote national consistency in workers' compensation arrangements.
4. **EVIDENCE**
Collect, analyse and publish relevant national workplace data and undertake and publish research to inform the development and evaluation of work health and safety and workers' compensation policies and strategies across Australia.
5. **EDUCATION AND COMMUNICATION**
Develop and implement national education and communication strategies and initiatives to support improvements in work health and safety outcomes and workers' compensation arrangements and promote national consistency.
6. **COLLABORATION**
Collaborate with Commonwealth, state and territory governments, and other national and international bodies, on work health and safety and workers' compensation policy matters of national importance.
7. **ADVISING WHS MINISTERS**
To advise relevant Commonwealth, state and territory Ministers on national policy matters and initiatives relating to work health and safety and workers' compensation.
8. **OTHER CONFERRED FUNCTIONS**
To undertake such other functions as may be conferred upon Safe Work Australia by legislative instrument.



APPENDIXES

APPENDIX A

ACRONYMS

ACCC	Australian Competition and Consumer Commission
ACTU	Australian Council of Trade Unions
Agency	The Statutory Agency supporting Safe Work Australia
Ai Group	Australian Industry Group
ASCC	Australian Safety and Compensation Council
Australian Chamber	Australian Chamber of Commerce and Industry
Australian WHS Strategy	<i>Australian Work Health and Safety Strategy 2012–2022</i>
Cth	Commonwealth
HWCA	Heads of Workers' Compensation Authorities
HWSA	Heads of Workplace Safety Authorities
IGA	<i>Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety</i>
ILO	International Labour Organization
KPI	Key Performance Indicator
National OHS Strategy	<i>National Occupational Health and Safety Strategy 2012–2022</i>
NOHSC	National Occupational Health and Safety Commission
NOHSC Act	<i>National Occupational Health and Safety Commission Act 1985 (Cth)</i>
OHS	Occupational health and safety (Note: This term has in recent years been replaced by Work Health and Safety, although the two terms may be used interchangeably)
PBS	Parliamentary Budget Statement
Select Council	Select Council on Workplace Relations (discontinued in 2014)
SIG-WC	Safe Work Australia Strategic Issues Group—Workers' Compensation
SOM	Senior Officials Meetings
SWA Act	<i>Safe Work Australia Act 2008 (Cth)</i>
WHS	Work health and safety
WHS Ministers	Commonwealth, state and territory Ministers with responsibility for WHS and workers' compensation
WRMC	Workplace Relations Ministers Council (replaced in 2011 by the Select Council on Workplace Relations)

APPENDIX B

TERMS OF REFERENCE

The Review is to be an evidence-based assessment and will examine and report on:

1. the extent to which Safe Work Australia has fulfilled its role and functions
2. the need for Safe Work Australia's role and functions to be updated
3. the future role and functions for Safe Work Australia.

The review is to report to the Minister for Employment by 30 April 2016.

Evidence

Key activities to be undertaken in the conduct of the review include:

- meetings with key stakeholders/roundtable discussions to explore their experiences with Safe Work Australia
- desktop review of the activities of Safe Work Australia as reflected in published material (including against annual operational plans that detail Safe Work Australia's priority activities during each financial year)
- distillation of stakeholder views gained during the 2014 governance review of Safe Work Australia.

The Review will not examine decision making processes of Safe Work Australia (which have been examined as part of the 2014 governance review and recommendations adopted). On 24 April 2015, Safe Work Australia members unanimously agreed to revised recommendations that:

- Safe Work Australia members will make decisions consistent with their role under the *Safe Work Australia Act 2008*.
- All Safe Work Australia subcommittees will have work plans approved by Safe Work Australia members; any recommendations made to Safe Work Australia members will need to be consistent with the work plans.
- Safe Work Australia subcommittees will not have the authority to make decisions unless Safe Work Australia members have delegated decision making via the work plan.
- Safe Work Australia technical subcommittees will be provided with clear direction to complete work within a discrete time period and will be composed of both technical and policy experts. Safe Work Australia members agree to the establishment of technical groups via its subcommittees' work plans.

APPENDIX C

LIST OF STAKEHOLDERS CONSULTED

Name	Title	Representing
Mr Aaron Hughes	General Manager, Scheme Planning and Performance	Comcare
Mr Andrew Dettmer	AMWU, National President	ACTU
Ms Angela Jolic	Acting Director, Legislation, Policy and Information Services	Worksafe Victoria
Ms Ann Sherry	Former Chair of Safe Work Australia	Individual
Mr Anthony Lean	Chief Executive, State Insurance Regulatory Authority Safe Work Australia Member	NSW State Insurance Regulatory Authority
Mr Bevan Pratt	Director, Rehabilitation and Compensation HWCA Member	NT WorkSafe
Mr Bill Smith	Senior Manager, Worker's Compensation Policy	WorkSafe ACT
Mr Bradley Bick	Director, Workplace and Electrical Safety Policy	Work Health and Safety Queensland
Mr Brian Bradley	Former Safe Work Australia Member	Individual
Ms Carmel Donnelly	Executive Director, Workers' and Home Building Compensation Regulation HWCA Member	NSW State Insurance Regulatory Authority
Ms Carolyn Davis	Director, WHS and Workers' Compensation Policy	Australian Chamber
Mr Chris White	General Manager, Legislation and Scheme Information	WorkCover WA
Mr Chris Wicks	Director, Regulatory Reform	NT WorkSafe
Ms Clare Amies	Chief Executive, WorkSafe Victoria HWCA Member	WorkSafe Victoria
Ms Deb Vallance	AMWU, National OHS Coordinator	ACTU
Ms Emily Collard	Policy Officer	NT WorkSafe
Mr Ian Munns	Director of Policy and Education	WorkSafe WA
Ms Jennifer Taylor	Chief Executive, Comcare HWCA Member	Comcare
Ms Justine Ross	Branch Manager, WHS Policy Safe Work Australia Member	Commonwealth Department of Employment
Mr Kevin Gillingham	Manager, Policy and Legislative Services	WorkCover WA
Mr Lex McCulloch	WorkSafe WA Commissioner Safe Work Australia Member HWSA Member	WorkSafe WA

Name	Title	Representing
Ms Marie Boland	CEO, SafeWork SA HWSA Member	SafeWork SA
Mr Mark Goodsell	Director, NSW Safe Work Australia Member	Ai Group
Mr Mark Roddam	Branch Manager, Workers' Compensation Policy	Commonwealth Department of Employment
Mr Martin Shirley	CEO, WorkSafe Tasmania	WorkSafe Tasmania
Mr Michael Borowick	Assistant Secretary, ACTU	ACTU
Mr Michael Francis	General Manager, Insurance	Return to Work SA
Mr Michael Young	Executive Director, Workplace Safety and Industrial Relations Safe Work Australia Member HWCA Member	WorkSafe ACT
Ms Michelle Reynolds	Chief Executive, WorkCover WA Chair of HWCA	WorkCover WA HWCA
Mr Neil Burgess	Director of Operations	NT WorkSafe
Mr Paul Goldsborough	Senior Director, Policy and Business Engagement HWCA Member	Work Health and Safety Queensland
Mr Peter Dunphy	Executive Director, SafeWork NSW Chair of HWSA	SafeWork NSW HWSA
Mr Simon Blackwood	Deputy Director-General, Office of Industrial Relations Safe Work Australia Member	Work Health and Safety Queensland
Mr Stephen Gelding	Executive Director, NT WorkSafe Safe Work Australia Member HWSA Member	NT WorkSafe
Ms Tracey Browne	Manager, National Safety & Workers' Compensation Policy	Ai Group
Ms Wendy Clarkson	Director of Policy, WorkSafe Tasmania	WorkSafe Tasmania

APPENDIX D

FUNCTIONS OF SAFE WORK AUSTRALIA COMPARED WITH RESPONSIBILITIES IN THE IGA

Functions of Safe Work Australia as outlined in Section 6 of the SWA Act 2008		Responsibilities and function as outlined in the IGA
1	National policy about OHS and workers' compensation	<p>to develop national policy relating to OHS and workers' compensation; and</p> <p>3.2.1 [ASCC replacement body] will be an independent Australian Government agency with the primary responsibility of driving national policy development in respect of OHS and workers' compensation matters</p> <p>3.2.2 (c) research, develop and recommend national OHS standards as appropriate</p> <p>3.2.2. (g) monitor key developments both national and international in OHS;</p>
2	Model OHS legislation	<p>to prepare a model Act and model regulations relating to OHS and, if necessary, revise them:</p> <ul style="list-style-type: none"> a. for approval by the Ministerial Council; and b. for adoption as laws of the Commonwealth, each of the States and each of the Territories; and <p>3.2.2 (a) develop, monitor, maintain and provide advice to WRMC on model OHS legislation consisting of a model principal act, model regulations and model codes of practice, to be adopted by all jurisdictions;</p>
3	Model OHS codes of practice	<p>to prepare model codes of practice relating to OHS and, if necessary, revise them:</p> <ul style="list-style-type: none"> a. for approval by the Ministerial Council; and b. for adoption as codes of practice of the Commonwealth, each of the States and each of the Territories and made under laws of those jurisdictions that adopt the approved model OHS legislation; and <p>3.2.2 (a) as above.</p>
4	Other OHS material	<p>to prepare other material relating to OHS and, if necessary, revise that material; and</p> <p>3.2.2 (a) as above.</p>

Functions of Safe Work Australia as outlined in Section 6 of the SWA Act 2008		Responsibilities and function as outlined in the IGA
5	Policy dealing with compliance and enforcement of approved model OHS legislation	to develop a policy, for approval by the Ministerial Council, dealing with the compliance and enforcement of the Australian laws that adopt the approved model OHS legislation, to ensure that a nationally consistent approach is taken to compliance and enforcement; and 3.2.2 (b) develop a compliance and enforcement policy to ensure nationally consistent regulatory approaches across all jurisdictions;
6	Monitoring adoption of approved model OHS legislation etc. in jurisdictions	to monitor the adoption by the Commonwealth, states and territories of: <ul style="list-style-type: none"> a. the approved model OHS legislation as a law of those jurisdictions; and b. the approved model OHS codes of practice as codes of practice of those jurisdictions; and c. the approved OHS compliance and enforcement policy as a policy of those jurisdictions; and 3.2.2 (a) as above.
7	Collection of data etc.	to collect, analyse and publish data or other information relating to OHS and workers' compensation in order to inform the development or evaluation of policies in relation to those matters; and 3.2.2.(e) collect and analyse workplace injury and disease data and undertake research in order to inform the development and evaluation of OHS policy;
8	Research etc.	to conduct and publish research relating to OHS and workers' compensation in order to inform the development or evaluation of policies in relation to those matters; and 3.2.2 (c) research, develop and recommend national OHS standards as appropriate; 3.2.2 (e) as above.
9	National OHS Strategy 2002 2012	to revise and further develop the <i>National OHS Strategy 2002–2012</i> released by the Ministerial Council on 24 May 2002, as amended from time to time; and 3.2.2 (f) oversee maintenance and further development of the <i>National OHS Strategy 2002–2012</i> ;
10	National awareness strategies	to develop and promote national strategies to raise awareness of OHS and workers' compensation; and 3.2.2 (h) drive a national communications strategy to raise awareness of health and safety at work;

Functions of Safe Work Australia as outlined in Section 6 of the SWA Act 2008			Responsibilities and function as outlined in the IGA
11	Workers' compensation arrangements	to develop proposals relating to: <ul style="list-style-type: none"> a. harmonising workers' compensation arrangements across the Commonwealth, States and Territories; and b. national workers' compensation arrangements for employers with workers in more than one of those jurisdictions; and 	3.2.1 [ASCC replacement body] will be an independent Australian Government agency with the primary responsibility of driving national policy development in respect of OHS and workers' compensation matters;
12	Advising Ministerial Council on OHS and workers' compensation	to advise the Ministerial Council on matters relating to OHS or workers' compensation; and	2.1.3 Role and Functions of WRMC 3.3. Reporting Requirements
13	Liaising outside Australia on OHS and workers' compensation	to liaise with other countries or international organisations on matters relating to OHS or workers' compensation; and	3.2.2 (g) monitor key developments both national and international in OHS;
14	Other conferred functions	such other functions that are conferred on it by, or under, this Act or any other Commonwealth Act.	3.2.2 (i) undertake any other functions that are agreed by WRMC.

APPENDIX E

OTHER NATIONAL WHS AND WORKERS' COMPENSATION BODIES

Safe Work Australia operates within a broader framework of WHS and workers' compensation regulation and is therefore required to interact with a range of government and non-government associations and agencies. In particular, the performance of Safe Work Australia's functions are of direct relevance to the Heads of Workplace Safety Authorities and Heads of Workers' Compensation Authorities.

Heads of Workplace Safety Authorities (HWSA)

HWSA is comprised of representatives of the WHS regulators from each Australian jurisdiction and New Zealand. HWSA was established to promote and implement best practice in WHS policy and legislative matters, education and enforcement (the HWSA Charter, including objectives is at Appendix F).

While Safe Work Australia has a broad role in developing and improving national policy on WHS and workers' compensation, HWSA's focus is on promoting regulatory best practice, developing regulatory operational policy and engaging as a community of practice.⁴⁴

Information is regularly shared between HWSA and Safe Work Australia. The Safe Work Australia CEO is an observer on HWSA and is on some of its working groups. This avoids potential duplication of activities and allows Safe Work Australia to become aware of any implementation issues and address them at a national level. Three current Safe Work Australia members are also HWSA members. See Appendix G for a list of all Safe Work Australia and HWSA members.

Heads of Workers' Compensation Authorities (HWCA)

HWCA is comprised of representatives of the peak bodies responsible for the regulation of workers' compensation in each Australian jurisdiction and New Zealand. HWCA's focus is on coordinating a consistent approach to operational issues arising from implementing the national policy and administrative arrangements. HWCA also provides advice and shares information to assist Safe Work Australia in developing national workers' compensation policy.⁴⁵

Information is regularly shared between HWCA and Safe Work Australia. A number of HWCA members sit on Safe Work Australia's Strategic Issues Group—Workers' Compensation, which leads development of strategies and policy to improve workers' compensation arrangements throughout Australia. Safe Work Australia is also an observer on HWCA and is also on some of its working groups. This avoids potential duplication of activities and also allows Safe Work Australia to become aware of any implementation issues and address them at a national level. Two current Safe Work Australia members are also HWCA members. See Appendix G for a list of all Safe Work Australia and HWCA members.

44. *Heads of Workplace Safety Authorities Charter*, February 2016 (Unpublished).

45. On 13 April 2016 the HWCA Secretariat advised that HWCA is in the process of redeveloping and updating its materials.

APPENDIX F

HEADS OF WORKPLACE SAFETY AUTHORITIES CHARTER (2016)

Purpose

To influence the prevention of work health and safety harm through improved collaboration, regulatory operational policy, programs and regulatory best practice.

Role

HWSA members will work collaboratively to lead the promotion and implementation of world class practices in work health and safety. This will be achieved through HWSA members:

Promoting regulatory best practice

- Share evidence and research that enables informed decisions
- Adopt risk based methods that align resources to greatest risk
- Develop and share regulator capabilities
- Engage with stakeholders, communities and partners on common issues through the regulator and promote and share information
- Measure impacts of initiatives and share insights
- Share innovative solutions to complex work health and safety issues

Developing regulatory operational policy

- Tackle common regulatory challenges through working groups as appropriate
- Create and share evidence to inform robust policy across borders
- Support consistent experience in Australian workplaces through consistent standards, approaches and materials and by identifying differences
- Inform each other of proposals or issues of mutual interest and involvement

Engaging as a Community of Practice (COP)

- Share information and experiences to learn from each other

Objectives

1. Contribute towards the achievement of the targets of the *Australian Work Health and Safety Strategy 2012 –2022*
2. Develop nationally consistent and targeted solutions that reach workplaces through effective channels
3. Cooperate and share information on cross-jurisdictional matters and reduce unnecessary duplication of effort
4. Build the capability of regulatory staff by promoting a consistent approach to training and professional development and sharing technical experience or expertise
5. Develop a consistent approach to work health and safety compliance issues within the bounds of legislation (e.g. tools, practice, advice, approaches)
6. Work with others (such as industry groups, other government agencies) as appropriate
7. Monitor and identify common issues arising from work health and safety legislation that impact on the operation of work health and safety regulatory authorities

8. Build and foster cooperative working relationships among HWSA members and other jurisdictional staff
9. Identify unintended operational consequences and seek areas for improvement

Participants

HWSA members are the senior representatives of the work health and safety regulators in the Commonwealth and states / territories of Australia

- SafeWork NSW – Executive Director
- SafeWork SA – Executive Director
- NT WorkSafe – Executive Director
- WorkSafe Victoria – Executive Director
- WorkCover Queensland – Executive Director
- WorkSafe WA - Commissioner
- WorkSafe Tasmania – Director in Industry Safety
- WorkSafe ACT – Deputy Director
- Comcare – Chief Executive Officer

Observers

- Safe Work Australia – Chief Executive Officer
- Department of Employment – Director WHS Policy Team

Invitees

- WorkSafe NZ – General Manager Operations and Support

Governance

- The Chair and Secretariat positions will be reviewed every two years
- A Planning day will be held annually at the beginning of the calendar year to –
 - determine and agree on the identified priority areas, a work plan and meeting schedule for the coming year
 - discuss and review the outcomes of the work plan
- Response to out of session requests are required in the allocated timeframes
- The Chair, Secretariat and members will meet their own costs associated with HWSA and provide in kind support
- A Year in Review Report will be prepared by the Chair at the end of each calendar year
- This charter along with the HWSA Work Plan and Year in Review Report will be shared with the Strategic Issues Group - WHS
- This charter will be reviewed on an annual basis during planning processes to ensure currency and continued relevance

Meeting protocols

- HWSA will meet at least four times per year
- HWSA members attend each meeting or be represented by an appropriate official
- The Agenda papers will be issued by the Secretariat at least three weeks prior to a scheduled meeting
- Meeting minutes will be distributed by the Secretariat within 10 working days of a meeting
- The Chair will have an additional representative attend each meeting
- Members may have observers attend to support particular agenda items and/or for members support as required.

APPENDIX G

MEMBERSHIP OF SAFE WORK AUSTRALIA, HWSA AND HWCA

Representing	Safe Work Australia *	Heads of Workplace Safety Authorities *	Heads of Workers' Compensation Authorities *
Chair	Ms Diane Smith-Gander	Ms Marnie Williams	Ms Michelle Reynolds
New South Wales	Mr Anthony Lean	Mr Peter Dunphy	Mr Vivek Bhatia Ms Carmel Donnelly
Victoria	Ms Clare Amies	Ms Marnie Williams	Ms Clare Amies
Queensland	Mr Simon Blackwood	Ms Julie Nielsen	Ms Janine Reid (WorkCover) Mr Paul Goldsborough (Dpt JAG)
South Australia	Ms Marie Boland	Ms Marie Boland	Mr Greg McCarthy
Western Australia	Mr Lex McCulloch	Mr Lex McCulloch	Michelle Reynolds
Tasmania	Mr Martin Shirley	Mr Mark Cocker	Mr Brad Parker
Northern Territory	Mr Stephen Gelding	Mr Stephen Gelding	Mr Bevan Pratt
Australian Capital Territory	Mr Michael Young	Mr Greg Jones	Mr Michael Young
Commonwealth	Ms Justine Ross	Mr Justin Napier (Comcare) Ms Justine Ross (Observer)	Ms Jennifer Taylor (Comcare) Mr Simon Lewis (DVA)
Australian Council of Trade Unions	Mr Michael Borowick	N/A	N/A
Australian Council of Trade Unions	Mr Andrew Dettmer	N/A	N/A
Ai Group	Mr Mark Goodsell	N/A	N/A
Australian Chamber of Commerce and Industry	Ms Carolyn Davis	N/A	N/A
Safe Work Australia	Ms Michelle Baxter	Ms Michelle Baxter (Observer)	Ms Michelle Baxter (Observer)
New Zealand	N/A	Mr Brett Murray	Mr Scott Pickering

* Membership as at 23 August 2016

THIS PAGE IS INTENTIONALLY LEFT BLANK

Contact us

If you have any questions about this report, please contact:

Work Health and Safety Policy Branch
Department of Employment
GPO Box 9880
CANBERRA ACT 2601

Phone: **1300 488 064**

Online version

This report is available online from the Department of Employment website at www.employment.gov.au



FIND US



@EmploymentGovAu



EmploymentGovAU

www.employment.gov.au