



## The Hon Michael Wright BEd MP

- MINISTER FOR TRANSPORT
- MINISTER FOR INDUSTRIAL RELATIONS
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Mr Herb Plunkett  
Assistant Commissioner  
National Workers' Compensation and OHS Inquiry  
Productivity Commission  
PO Box 80  
BELCONNEN ACT 2616

Dear Mr Plunkett,

Thank you for the opportunity to comment on the Interim Report into National Workers' Compensation and Occupational Health and Safety Frameworks. The South Australian Government supports and works towards greater national consistency in workers' compensation and occupational health and safety legislation, but does not support approaches based on the lowest common denominator. In particular, the South Australian Government supports those bodies, such as the National Occupational Health and Safety Commission (NOHSC), that facilitate national consistency through the provision of research and the development of national standards.

In moving to develop nationally consistent approaches for incorporation in the relevant South Australian legislation, the South Australian Government applies the following principles:

- There needs to be a direct benefit to industry stakeholders and the wider South Australian community from the implementation of nationally consistent arrangements;
- any move toward adopting a nationally consistent approach needs to be based on best practice principles and should not be aligned to the lowest common denominator;
- any national standard or guideline must be established through a genuine consultative process at the national level that gives all parties a chance to influence the outcome;
- consultation also must occur with key stakeholders at a local level prior to adopting any national standard or complementary legislative amendment;
- the implementation of any national approach should not pose an undue burden on sectors of South Australian industry and/or employees working within that sector; and
- there needs to be flexibility in any national approach so that this can be easily adapted to emerging needs at a local level.

## **Occupational Health and Safety**

The Productivity Commission describes the National Occupational Health and Safety Strategy (the National Strategy) in its report and mentions that the National Strategy was endorsed by the Workplace Relations Ministerial Council (WRMC) in 2002. It is important to note that the Ministers from each jurisdiction, including South Australia, formally committed to the National Strategy, as did the Australian Council of Trade Unions (ACTU) and the Australian Chamber of Commerce and Industry (ACCI). It should also be noted that the National Strategy represents, for the first time, an agreement by all Governments for a common national vision for occupational health and safety (OHS), minimum national targets against which the national performance will be measured, common national priorities and long term indicators of success.

The National Strategy has become the paramount driver of the NOHSC's work. The NOHSC business plan 2003-2004 focuses on tasks with direct connections to the priorities identified by the National Strategy.

To date, most of the work undertaken for the National Strategy has been led by the NOHSC Office. However, during the first year of the National Strategy, there have been additional coordinated strategies of national relevance.

The South Australian Government is implementing a number of strategies in 2003-2004 that align with the National Strategy, such as implementing the ban of chrysotile asbestos and developing national standards in relation to driver fatigue. South Australia's OHS regulator's strategic and business plan now takes into account the National Strategy and more closely reflects national priorities and targets.

The South Australian Government has been involved with the NOHSC for a number of years and believes it is currently working better in achieving national OHS uniformity than it has for a long time. The following recommendations outline areas that the South Australian Government believes will result in even more national uniformity.

### **Recommendation 1**

A NOHSC with a supportive legislative base and adequate resourcing is needed in order to achieve better national uniformity.

### **Recommendation 2**

The *National Occupational Health and Safety Commission Act 1986* (the Act) should be strengthened to leave States and Territories less room to amend national standards within their own jurisdictions once they have been approved by the WRMC.

### **Recommendation 3**

Fast and efficient decision-making processes should become a stronger focus under the Act. Overly prescriptive processes such as having the NOHSC approving the meeting dates of the Prevention Committee should be deleted from the Act. In addition a review of procedures regarding WRMC endorsement of national standards and codes of practice should be undertaken to remove any unnecessary steps. This would also ensure more efficient decisionmaking and would create a more rapid path to national OHS uniformity.

## **Workers' Compensation**

The South Australian Government is strongly opposed to the Productivity Commission's proposals for a national Workers' Compensation Scheme. All State and Territory Ministers present at the recent WRMC meeting in November 2003 made their opposition to this proposal very clear.

The State and Territory jurisdictions are already working together to develop coordinated ways of assessing the OHS requirements for self-insurers on a national basis. For companies operating across jurisdictions, coordinated auditing arrangements on agreed OHS criteria would significantly address any concerns relating to differences in OHS requirements. The similar basis of OHS laws across Australia makes this outcome feasible.

### **Conclusion**

It is the South Australian Government's view that the National Strategy, a document unanimously agreed to by all States and Territories and major employer and employee groups, is essential to achieving a national focus in achieving improvement. Any changes to the current system must continue to provide a cooperative approach for all key stakeholders to work towards reducing workplace death, injury and disease.

Thank you again for this opportunity to provide comment on the Productivity Commission's Interim Report into National Workers' Compensation and Occupational Health and Safety Frameworks. The departmental contact on this matter is Ms Michele Patterson, Executive Director, Workplace Services telephone 08 8303 0230.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Wright', with a stylized flourish at the end.

Michael Wright MP

**MINISTER FOR INDUSTRIAL RELATIONS**

38 / 1 / 2004