



safe work australia

Mr Alan Raine
Committee Secretary
Senate Economics Legislation Committee

Via email: Economics.Sen@aph.gov.au

Dear Committee Secretary

**Invitation to make a submission to the Inquiry into the Offshore Petroleum and
Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill
2024**

Thank you for the invitation to provide a submission to the Senate Economics Legislation Committee (the Committee) on its inquiry into the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Safety and Other Measures) Bill 2024 (the Bill).

I provide this brief submission in my capacity as the Chief Executive Officer (CEO) of Safe Work Australia. Safe Work Australia has responsibility for national policy and strategies to improve work health and safety (WHS) and workers' compensation across Australia.

By way of background, Safe Work Australia led the development of the model WHS laws in 2011, which provides the framework for a harmonised approach to the regulation of WHS across Australia. The model WHS laws comprise the model WHS Act, the model WHS Regulations and model Codes of Practice. For the model WHS laws to become legally binding, the Commonwealth, states and territories must separately implement them as their own laws in their jurisdiction. All jurisdictions except Victoria (which has similar laws) have now implemented a version of the model WHS laws. The Commonwealth, states and territories also have responsibility for regulating and enforcing WHS laws in their jurisdiction.

Whilst welcoming the safety provisions within the Bill, I encourage the Committee to have regard to the objective of a harmonised approach to work health and safety. Harmonisation of key duties, obligations, and protections across all WHS frameworks ensures all workers in Australia are provided with the same standard of health and safety protection regardless of the work they do, and regardless of the type or size of industry they work in. Harmonisation also confers greater regulatory efficiency and effectiveness, more certainty for duty holders and the elimination of unnecessary regulatory compliance burdens.

The harmonisation of WHS laws has long been recognised in Australia as an ambitious but desirable objective. In 2008, the then Workplace Relations Ministerial Council agreed that the use of model legislation is the most effective way to achieve harmonisation of WHS laws (referred to as Occupational Health and Safety or OHS laws at that time). In the same year, the Council of Australian Governments signed an [Intergovernmental Agreement](#) which set out how the Commonwealth, states and territories would achieve this, which led to the establishment of Safe Work Australia.

Subsequently, the 2008 *National review into model occupational health and safety laws* (the 2008 Review), was conducted to make recommendations on the optimal structure and content of a model WHS Act that was capable of being adopted in all jurisdictions and across all industries.

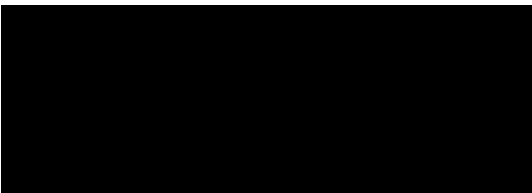
Whilst noting that there may be industries where specific hazards might require specific legislation, the 2008 Review also noted industries and hazards should only continue to be separately regulated where it is periodically and objectively justified and that, as far as possible, the separate legislation should be consistent with nationally harmonised WHS laws (recommendation 76).

I conducted the 2018 independent review of the model WHS laws prior to my appointment as CEO of SWA, where I concluded that the harmonisation objective has largely been achieved and remains strongly supported. Through consultations I heard continual encouragement by stakeholders for the remaining jurisdictions (Victoria and Western Australia at the time) to adopt the harmonised approach as a matter of urgency, and for other jurisdictions to minimise variations to the model WHS laws wherever possible. I noted that *'if the harmonisation objective is to be sustained into the future, it is critical that all jurisdictions commit to it'*.

Within this context, I submit that it remains a critical objective that harmonisation and alignment of the separate WHS and occupational health and safety frameworks operating in Australia should be fully pursued. There is no reason why there could not be harmonisation between the offshore and onshore WHS regulatory frameworks and I respectfully submit that the Committee consider the harmonisation objective during its deliberations on the Bill.

Thank you again for the opportunity to provide this information to the Committee.

Yours sincerely



Marie Boland
Chief Executive Officer

7 March 2024