



AUSTRALIAN CHAMBER OF
COMMERCE AND INDUSTRY

MEDIA RELEASE

Tuesday 10 November 2009

CHANGES NEEDED TO ENSURE EMPLOYER SUPPORT FOR OHS LAWS: ACCI

Statement by Mr David Gregory, Director of Workplace Policy

Changes are required to key areas of the draft model Occupational Health and Safety (OHS) Act, including to company officer duties, union right of entry provisions, penalty levels and uniformity of enforcement, to ensure broad employer support prior to implementation of the Act across Australia by the end of 2011.

In its submission to Safe Work Australia as part of the public comment process, ACCI reiterated its in-principle support for the long overdue harmonisation of Australia's disparate state and territory-based OHS legislation but cautioned that only a model Act that meets the test of being fair, balanced, reasonable and user-friendly, will deliver the anticipated benefits.

ACCI's Director of Workplace Policy, David Gregory, has rejected union claims that business groups are pushing for changes that would reduce health and safety rights for workers.

"Employers want a model Act that delivers both improved workplace safety outcomes and an effective legislative framework that will encourage employers and workers to be proactive and collaborative in improving the safety of their workplaces. Unnecessary prescription will ultimately serve only to distract and discourage both employers and employees from delivering safer workplaces. ACCI has provided some positive suggestions in its submission that should be adopted to improve the operation of the Act."

ACCI has strongly backed the reinstatement of a definition of 'due diligence' in the model Act, as the absence of a definition will mean that company officers will be unclear about their duty and how compliance may be achieved.

Employers have also identified a number of aspects of the model OHS Act which are open to potential misuse such as union right of entry, persons assisting health and safety representatives, and procedures for establishing multi-employer workgroups, which require redrafting to ensure that they are fair and balanced and do not undermine the safety objectives of the Act.

ACCI in its submission advocates that the maximum penalty for a corporation under the Act should be set at the current Australian maximum of \$1.65 million, arguing that the proposed \$3 million maximum will simply fuel a litigious and compliance-based approach to OHS.

ACCI also urged Australia's governments to work towards a truly uniform national OHS system with respect to the approach by OHS inspectors, regulators and the courts.

ACCI's submission can be found at www.acci.asn.au/SubmissionsMain.htm.

For further information:

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MR 146/09

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