

GAP ANALYSIS OF OHS LEGISLATION – PUBLIC SUBMISSION FOR NATIONAL OHS REVIEW – LEGISLATIVE APPROACH

FEDERAL OH&S (COMMONWEALTH EMPLOYMENT) ACT 1991	NSW OCCUPATIONAL HEALTH AND SAFETY ACT 2000	VIC OCCUPATIONAL HEALTH AND SAFETY ACT 2004	SA OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1986	WA OCCUPATIONAL SAFETY AND HEALTH ACT 1984	TAS WORKPLACE HEALTH AND SAFETY ACT1995	QLD WORKPLAVE HEALTH AND SAFETY ACT 1995	NT WORK HEALTH ACT 2007	ACT OCCUPATIONAL HEALTH AND SAFETY ACT 1989
16. Duties of employers in relation to their employees etc.	8. Duties of employers 13. Duty of employer to consult	20. The concept of ensuring health and safety <input type="checkbox"/> 21. Duties of employers to employees 22. Duties of employers to monitor health and conditions etc. 23. Duties of employers to other persons 32. Duty not to recklessly endanger persons at workplaces 35. Duty of employers to consult with employees	19. Duties of employers 21. Duties of workers 25. Duties applicable to all persons	19. Duties of employers 20. Duties of employees 21. Duties of employers and self-employed persons	9. 9. Duties of employers 16. 16. Duties of employees 17. 17. Refusal to work	22. Ensuring workplace health and safety 23. Obligations for workplace health and safety 26. How obligations can be discharged if regulation etc. made 27. How obligations can be discharged if no regulation etc. made 30C. Obligations of project managers 31. Obligations of principal contractors 34C. Obligation of person in control of relevant workplace area 36. Obligations of workers and other persons at a workplace	29. Duties of employers 30. Duties of occupiers of workplaces 31. Duties of workers 44F. Duties of employers in relation to health and safety committees	37. Duties of employers in relation to employee
17. Duty of employers in relation to third parties	<input checked="" type="checkbox"/>	26. Duties of persons who manage or control workplaces	22. Duties of employers and self-employed persons		15. 15. Persons in control of workplaces, &c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	37. Duties of employers in relation to employees
19. Duties of suppliers in relation to plant and substances	10. Duties of controllers of work premises, plant or substances	21. Duties of employers to employees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	15. 15. Persons in control of workplaces, &c.	30. Obligations of persons in control of workplaces 34A. Obligations of suppliers of substances for use at workplace 34D. Obligation of person in control of fixtures, fittings or plant included in relevant workplace area 35. Obligations of owners of plant	<input checked="" type="checkbox"/>	37. Duties of employers in relation to employee 43. Duties of suppliers in relation to plant and substances

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20. Duties of person erecting or installing plant in a workplace	<input checked="" type="checkbox"/>	31. Duties of persons installing, erecting or commissioning plant	24A. Duties of owners of plant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	44. Duties of people erecting or installing plant in workplace
21. Duties of employees in relation to occupational health and safety	20. Duties of employees	21. Duties of employers to employees 25. Duties of employees	<input checked="" type="checkbox"/>	22. Duties of persons who have control of workplaces	15. 15. Persons in control of workplaces, &c.	<input checked="" type="checkbox"/>	32. Immediate threat	40. Duties of employees
30. Duties of employers in relation to health and safety representatives	17. Establishment of OHS committees, election of OHS representatives or other agreed arrangements	<input checked="" type="checkbox"/>	20. Employers' statements for health and safety at work	<input checked="" type="checkbox"/>	11. 11. Duties of responsible officer 12. 12. Obstruction of responsible officer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
36. Duties of employers in relation to health and safety committees	17. Establishment of OHS committees, election of OHS representatives or other agreed arrangements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	29. Notices requiring election of safety and health representatives 38. Obligation of employer to establish a safety and health committee 39. Request for establishment of safety and health committee 39B. Employer may establish a safety and health committee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Indicates that no legislation has been specifically mentioned to deal with that aspect.

Preferred option to support 'Duty of Care'