

I want to keep the thrust of this very simple.

Rather than developing a model OHS law, the next step should be to have one federal OHS law for the whole of Australia. With the entry of companies such as John Holland to national jurisdiction, and not just the GBEs and former GBEs any more, the first steps have already been taken. However that leaves us with a situation where workers on eg. the same construction site are operating under two different OHS laws with two inspectorates involved, and possibly more if the construction is on a minesite. The committee might like to ask John Holland's Janet Holmes a Court about the benefits of operating under the Commonwealth OHS Act.

Petroleum OHS legislation and inspection is already partly national through NOPSA.

Existing inspectorates could become the state or territory enforcement branches of Comcare. Comcare regulations and codes could be extended to encompass eg. mining.

It is of interest that China has national OHS laws for 1.3 bn people, the US has the same for 300m people, but we have 16 sets of OHS laws for 20m in what is supposed to be a national economy, where there is already a national approach to IR. For airlines, railways and interstate truckers, for example, the OHS law changes crossing a state or territory boundary. Under the Canadian Labour Code, a range of industry sectors and cross-provincial companies come under federal jurisdiction. Mexico with 110m people is also a united states but has federal OHS law. Australia is the only country of those countries with an English-language association (of which there are approx. 57, depending on definition) which has such fragmentation, with the partial exception of Canada noted above, and possibly India. Such fragmentation doesn't exist in the Spanish- or Portuguese-speaking countries.

Thank you

Geoff Taylor
07/06/2008