



17 July 2008

The Secretariat
National OHS Review
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CANBERRA ACT

Dear Secretariat

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Re: National Review in to the Model Occupational Health & Safety Laws

I am contacting you on behalf of the Australian Hotels Association (AHA) in terms of submitting a response to the above Review.

It is acknowledged that the closing date for lodging of submissions was the 11 July 2008.

The intention of this submission of the AHA is to formally record its participation in the consultation and preparation of a submission as a member of the Australian Chamber of Commerce and Industry (ACCI). It is confirmed that the ACCI lodged its submission with the Secretariat on the 11 July 2008.

The AHA formally states that it supports the submission, and that the responses to the 152 Question are consistent with the view of the AHA and its eight (8) State Branches.

In putting this submission the AHA specifically identifies the following aspects of the Review paper and the ACCI submission that it seeks the Review Panel to strongly consider:

1. That the establishment of any Model OHS Legislation/Act must follow the Roben Style regulation of One Comprehensive statute.
2. That in respect to the issue of Duties of Care – who owes them and to whom? At Chapter Three of the Review document, question 16 to 36, that the Duty of Care is an obligation to all parties in the workplace, not just an emphasis on one or two particular parties. While one party may have an obligation to provide and ensure a workplace is safe, other parties must be ensured that they apply their Duty of Care and that they perform and complete their tasks/duties in a safe manner with no neglectful or non compliance intent.

Duty of Care obligations apply to all parties to a "Workplace".

In reference to the above AHA position, the ACCI submission for Chapter 3 – Duties of Care is strongly endorsed for consideration.

In the event any further information is considered by the Review Panel from the AHA,
please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'per Trevor Evans', written over a faint, larger signature.

TREVOR EVANS

Manager, Industrial Relations and Human Resources

Cc Mr Bill Healey
Mr Peter Anderson
Mr Ross Clarke
Ms Kellie Quayle