

Model OHS Act & Regs

Where we're up to??

Where we're at

- Model Act 'agreed' 29 April
- Admin Regs – not yet considered
- ACTU technical amendments – SIG 17/18
June
- Regs yet to be sighted – MHF at SIGrisk
mgt code

Critical dates

17/18 June SIG – technical amendments and sign-off on all matters for Regs

WRMC meeting??

15 Oct-Regs - RIS signed off by SWAC

Nov – Feb 11 – Regs Public comment

21 May SWAC sign off on Regs

11 June WRMC sign off Regs

1 July 11 Regs to jurisd'ns

1 Jan12 – Commencement

HSRs

- WRMC decisions – must be revised
 - HSR disqualification
 - Undermines all current Acts and democratic principles
 - Training entitlements
 - Increased disputation, non harmonised training entitlements
 - Training before exercising rights to cease work or issue PINs

Technical

Tripartism – objects

no from SWA – covered by the IGA

Sch 2 – jurisdictions to establish local
consultation arrangements

ACTU will request details from each
jurisdiction

Jurisdictions should seek from their
regulator

HSRs and issue res

- Detail in Regs
 - Issue not dispute
 - Worker representative
 - Rights of appeal?
 - Role of unions and employer assns

Technical

- Clause 51 and Reg 8
 - Variation of work groups in Regs
 - If not provisions in the Act re work groups will not apply
 - Workers rep
 - Inspectors decide
 - Hence rights of appeal

Technical

- Workers right to determine elections but Regs prescribe process
- If majority of workers agree with assistance of union or other person or organisation
 - Who is other? SWA refers to dispute resolution process? What are they referring to and where is it in the Act

Technical

- Disqualification
 - SWA – court order limits abuse, rights of appeal arise from court process
 - Provisions refers to a designated court or tribunal
 - Jurisdictions need to indicate which court
 - Do they all provide??

Training of HSRs

- Detail in Admin Regs
 - Training entitlements must be specified and
 - Not rely on the negotiation ability of HSRs or inspectors decisions
 - Potential for increased disputation

Inspector decisions

- Role of inspector
- Right of appeal
- Workers rep

- Clauses 80 - 82

Inspector 'assists'

- CI 56 work groups in multiple businesses
- CI 71 HSR right to assistance
- CI 89 – assist
- CI 82 – exercise powers
 - If so then those decisions are subject to appeal and workers reps is an eligible person'

Cease works

- Aligned with FWAct
- If worker cease must inform PCBU
- If directed by HSR – all workers must inform PCBU
 - If they don't they're in breach