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NATIONAL OCCUPATIONAL HEALTH AND SAFETY
COMMISSION BILL 1985

Date Introduced: 17 April 1985
House: House of Representatives
Presented by: Hon. Ralph Willis, M.P., Minister for Employment and Industrial Relations

Short Digest of Bill

Purpose

To provide a statutory basis for the National Occupational Health and Safety Commission (NOHSC).

Background

The regulation of occupational health and safety is principally a State function, the Commonwealth power extending only to its employees and employees in the Territories. There are approximately 160 Acts and Ordinances in force throughout Australia regulating occupational health and safety, many of which are currently under review in an attempt to nationalise existing regulations. There are a number of Commonwealth bodies involved in occupational health and safety, the most important being the National Health and Medical Research Councils' (NH and MRC) Standing Committee on Occupational Health. This body has been unable to achieve the standardisation of occupational health and safety regulations, partly the result of its scientific rather than industrial role. Discussions aimed at forming a national body to co-ordinate regulations have occurred throughout this century.

The first attempt at national co-ordination of health and safety standards was in 1922 when representatives from the Commonwealth Department of Health met those from State Departments of Health and Labour. The next attempt occurred in 1942 when the NH and MRC Occupational Health (Standing) Committee was established. The Committee has continued to advise the Government on national standards. In February 1979 the Conference of Commonwealth and State Ministers for Labour established a review body which recommended that a National Consultative Committee on Occupational Health and Safety be created.[1] Further recommendations that a national body be created where
contained in the Report of the Committee of Inquiry into Technological Change in Australia (Myers Report) of April 1980.[2] Consultations with the States were continuing when, on 30 April 1981, it was announced that, as a result of the Review of Commonwealth Functions, no national body would be established.

The Accord, agreed to by the Australian Labor Party and the Australian Council of Trade Unions in 1983, pledges both parties to the establishment of a NOHSC.[3] The National Economic Summit Conference Communique endorses the need for greater action at a national level to co-ordinate occupational health and safety.[4] An Interim NOHSC was established on 10 November 1983 to advise on the functions and structure of a permanent body. Its report was presented to Parliament on 29 May 1984. The Minister for Employment and Industrial Relations announced to Parliament, on 11 October 1984, that the NOHSC would be established immediately on a non-statutory basis.[5]

Reviews of occupational health and safety in Australia have been hampered by a lack of details as to the size of the problem. There are often difficulties in tracing work-related illness: the House of Representatives Standing Committee on Environment and Conservation has recommended that medical courses be altered to ensure that all undergraduate medical training includes the recognition of occupational causes of disease.[6] The lack of uniform regulations dealing with the definition of work-related injuries and their reporting also hampers any estimate of the size of the problem. The Minister has quoted 'conservative estimates' which put the cost at more than $6 billion per year and estimate that 300 people are killed and 150,000 injured each year in work-related accidents.[7] The House of Representatives Standing Committee on Environment and Conservation, after noting the lack of statistics, states that on the best estimates available to it, 'about four times as much time is lost due to industrial accidents and injuries as is lost due to industrial disputes'. It also recommends that the Australian Bureau of Statistics collect statistics on the cost of work-related accidents and diseases.[8]

National co-ordination of occupational health and safety regulations has been tried in a number of countries. Some examples are:

In the United Kingdom a Health and Safety Commission was established in 1974. The Commission is comprised of representatives of employees and employers; it is independent of the Government and its duties include to propose regulations, conduct research and to provide information and advice.
In the United States of America, a National Advisory Committee on Occupational Health and Safety was established in 1970 to recommend safety and health standards. The Committee is composed of employee and employer representatives.

The Canadian Centre for Occupational Health and Safety was established in 1978 to report to a tripartite body of Government, employee and employer representatives on standards and to conduct research in the area.

Outline

The NOHSC's functions and procedures will be as recommended by the Interim NOHSC, except that the Territories will be represented. It will comprise representatives of the Commonwealth, States, Territories and the peak employee and employer associations, the Australian Council of Trade Unions and the Confederation of Australian Industry. The main functions of the NOHSC will be to compile information on occupational health and safety and to recommend national standards and codes of practice.

Main Provisions

For a detailed explanation of the provisions of the Bill, refer to the Explanatory Memorandum.

The NOHSC is established by Part II of the Bill. Clauses 7 and 8 detail the objects and functions of the NOHSC, while clause 10 deals with membership.

A National Occupational Health and Safety Office and National Institute of Occupational Health and Safety are established by clause 29 to conduct the administrative work of the NOHSC and its research, testing, training and statistical functions respectively.

The NOHSC will have the same power to conduct public inquiries as is presently conferred on the Industries Assistance Commission (Part VII of the Bill).

A National Occupational Health and Safety Research Fund is established by clause 58 to facilitate the financial support of research into occupational health and safety.

For further information, if required, contact:
References

2. Ibid., p.91.