



Australian Government

Comcare

CHIEF EXECUTIVE OFFICER
P 02 6275 0001

31 March 2015

Committee Secretary
By email: legcon.sen@aph.gov.au

Dear Committee Secretary,

Re: Inquiry into the Australian Border Force Bill 2015 and the Customs and Other Legislation Amendment (Australian Border Force) Bill 2015

Thank you for providing Comcare with the opportunity to make a submission to the abovenamed inquiry.

Comcare is the work health and safety regulator under the *Work Health and Safety Act 2011* (Cth) (WHS Act). We work with employers, workers and employee representative groups to keep workers healthy and safe, and reduce the incidence and cost of workplace injury and disease. Our objective is the protection of the health, safety and welfare at work of workers covered by the Comcare scheme through education, assurance and enforcement.

Comcare has considered the Bills and understands the proposed effect of the legislation, if passed, will be to give the Australian Border Force Commissioner the power to make a declaration under the WHS Act that particular provisions of the Act do not apply to work carried out by Immigration and Border Protection workers.

For the purposes of this inquiry, Comcare would note that similar declarations are already available to a small number of agency heads under the WHS Act (for example, the Chief of the Defence Force). Comcare also notes that the Bill sets out requirements for consultation and the approval of the Minister for Employment prior to a declaration being made. This is in line with the current operation of existing declaration powers under the WHS Act.

Comcare does not foresee any issues with its operations or the regulation of work health and safety for the Australian Border Force should the legislation be passed. Irrespective of the passage of this legislation, Comcare will continue to work with agencies to ensure compliance with the requirements of the WHS Act by providing advice, education and assistance.

If the Committee requires any further information please contact Mr Aaron Hughes, General Manager Scheme Planning and Performance if you require any further information.

Yours sincerely

Jennifer Taylor