

Explanation of Post Logistics relationship with Australia Post

Background

1. At page 83 of the Hansard of the Committee's public hearings on 12 February 2010, Senator Fielding asked questions about the safety record of Post Logistics (Australasia) Pty Ltd (Post Logistics).
2. Comcare would like to add to its comments of 12 February 2010 to clarify the relationship between Post Logistics and the Australian Postal Corporation from the perspective of the Commonwealth workplace safety and workers' compensation scheme.

Post Logistics's relationship with Australia Post

3. Comcare understands that Australia Post acquired Post Logistics in March 2005.
4. Australia Post holds a controlling interest for the purposes of the *Occupational Health and Safety Act 1991* (the Commonwealth OHS Act) and the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act). A controlling interest is constituted by the capacity to cast the majority of votes at a general meeting, appoint a majority of the directors or otherwise control the decisions of the company.

Workplace safety

5. The definition of a Commonwealth authority provided by section 5 of the Commonwealth OHS Act includes an Australian company in which the Commonwealth or a Commonwealth authority holds a controlling interest, unless the Minister has declared the company to be a corporation to which the Commonwealth OHS Act **does not apply**.
6. No such declaration has been made in relation to Post Logistics. As Post Logistics is wholly owned by Australia Post and no declaration has been made, Post Logistics is a Commonwealth authority within the definition provided by section 5 of the Commonwealth OHS Act and extended definition provided by section 96 of the SRC Act.
7. Therefore, Post Logistics and its employees are covered by the Commonwealth OHS Act. Post Logistics is a separate employer to Australia Post for the purposes of the Commonwealth OHS Act. Hence, Comcare's successful court action in December 2007 mentioned by Senator Fielding at page 84 of the Hansard for a breach of the Commonwealth OHS Act was against Post Logistics.

Workers' compensation

8. The definition of Commonwealth authority provided by section 4 of the SRC Act only includes an Australian company in which the Commonwealth, or a Commonwealth authority, holds a controlling interest if the Minister has declared that the SRC Act **does apply** to the company.
9. No such declaration has been made in relation to Post Logistics and consequently it is not a Commonwealth authority within the definition provided by section 4 of the SRC Act.
10. A licence to self-insure was granted to Australia Post on 30 June 1996 under the SRC Act. This licence is limited to those employees who are employed by Australia Post as identified by the Australian Business Number (ABN) for Australia Post.
11. Therefore, employees of Post Logistics have no connection to the licence issued to Australia Post. Post Logistics and its employees are covered by the relevant state and territory workers' compensation schemes.