

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Additional Estimates 2011-2012**

**Agency - Safe Work Australia**

**DEEWR Question No. EW1121\_12**

**Senator Abetz asked on 15 February 2012 , Hansard page 87**

**Question**

**SWA - Endorsement of codes of practice**

Senator ABETZ: Is it correct that the first three that I mentioned were only endorsed by a majority? Mr Hoy: I would just need to check the minutes on that. Senator ABETZ: And what does 'majority' mean? Is that 50 per cent plus one? Mr Hoy: No, under the Safe Work Australia Act, decisions are made by a majority of voting members present and voting. Fifteen actually attend the meetings, but only 14 vote because I am a non-voting member. In addition to the simple majority, it needs to be two-thirds of the jurisdictions present voting, so you need to get six out of nine. I can recall, certainly in the case of some of these, that Victoria did not vote because of their particular position in terms of implementing the legislation. I would need to check the minutes. [Referring to: There were six codes that Safe Work Australia agreed to in December. They are First Aid in the Workplace, Managing Risks in Construction Work, Preventing Falls in Housing Construction, Managing Electrical Risks at the Workplace, Managing Risks of Hazardous Chemicals, and Managing Risks of Plant in the Workplace.]

**Answer**

Safe Work Australia has provided the following response.

Under section 38 2) of the *Safe Work Australia Act 2008* (the Act), a decision on a question relating to model WHS Codes of Practice requires:

- a) a two-thirds majority of the votes of the voting members present and voting, and
- b) a majority of the votes of all the voting members who represent the Commonwealth, States and Territories.

At their meeting on 8 December 2011, Safe Work Australia Members considered six draft model Codes of Practice. Members endorsed by majority the draft model Codes of Practice for First Aid, Construction Work and Preventing Falls in Housing Construction.

They also agreed for the draft model Codes of Practice for Plant, Electrical Risks and Hazardous Chemicals to be considered out of session once the requested revisions had been made. Members subsequently agreed by majority to these three draft model Codes of Practice.