

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2003-2004 BUDGET ESTIMATES HEARINGS – 2-3 JUNE 2003**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**COMCARE**

**QUESTIONS ON NOTICE**

**Outcome: Comcare**

**Question Number: W063-04**

**Question:**

*Senator Carr asked in writing:*

Has Comcare received allegations from NGA staff or former staff that the NGA OHS Committee is stacked with management representatives and staff sympathetic to the NGA management position that there are no OHS problems at the Gallery? What has Comcare's response to this allegation been?

**Answer:**

Comcare received allegations from Mr Bruce Ford that the NGA OHS Committee is stacked with management representatives. Comcare has not received such allegations from other employees at the Gallery.

Subsection 34(2) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act) provides that the OHS Committee be comprised of the numbers of members specified in an agreement or where there are no such agreement – an equal number of members, chosen by employees, to represent the interests of the employees and members, chosen by the employer, to represent the interests of management.

The NGA's 2000/2001 OHS Agreement provided for a committee of 10, five of whom are workplace representatives, one from each designated workgroup. The current NGA OHS Agreement dated October 2002 provides for four management and 5 workplace representatives. These agreements were developed in consultation with the involved union/s in accordance with the requirements of the Act

The NGA also has in place workplace arrangements in line with the requirements of the Act, including designated workgroups (DWG's) and health and safety representatives and deputies. These structures provide employees at the NGA with statutory processes that ensure health and safety matters can be resolved at the workplace. Health and safety representatives have statutory powers and can issue provisional improvement notices (PINs) where an employer fails to address an OHS issue brought to its attention by an HSR to the satisfaction of that HSR. The Act then provides that the employer must comply with the notice or ask Comcare to investigate the matters covered in the PIN.

Comcare has reviewed advice from the NGA regarding the structure of the OHS Committee and other workplace arrangements and is satisfied that they are consistent with the requirements of the Act.