

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE  
BUDGET ESTIMATES 2009-10**

**Outcome**                      **5**

**DEEWR Question No. EW0013\_10**

Senator Cash provided in writing.

**Question**

*OHS Review Recommendation – right of entry*

What are the public policy elements that underpin and support Recommendations 204-222, dealing with right of entry issues?

**Answer**

The National Review into Model Occupational Health and Safety (OHS) laws was conducted by an independent panel with OHS expertise and involved extensive consultation with a wide range of interested parties. The panel provided extensive rationale in its two reports for its recommendations. Chapter 45 (paragraphs 45.1 to 45.117) of the panel's second report deals with authorised right of entry for OHS purposes.

The recommendations contained in Chapter 45 set out the panel's proposals in relation to right of entry powers for authorised representatives, the extent of those powers and safeguards for the use of these powers.

In making its recommendations the review panel noted in paragraph 45.2 that "The majority of Australian OHS Acts confer powers on authorised representatives of unions to enter workplaces. The Qld, ACT, NT, NSW and Vic Acts currently provide for such a right of entry. In WA, right of entry for OHS purposes is provided for under the *Industrial Relations Act 1979* (the WA IR Act). We are advised that Tasmania is currently considering amendments to its OHS laws to include right of entry provisions and SA has released a Bill on right of entry for public comment."

The review panel further noted in paragraph 45.19 that "Considerable evidence exists that underscores the value of trade union officials being able to enter workplaces to assist, in various ways, in securing improved OHS performance and effective outcomes, particularly with respect to the provision of support to workers elected as health and safety representatives (HSRs). At the international level, the involvement of workers and their representatives in OHS is mandated by the ILO's *Occupational Safety and Health Convention 1981*."

The review panel also noted in paragraph 45.45 that union right of entry for OHS purposes "would contribute in a positive manner to OHS compliance at a workplace level. We propose that the system of right of entry under the model Act be subject to safeguards to ensure that it is carried out in an effective and fair manner."