

**Submission to Senate Employment,  
Workplace Relations and Education  
Legislative Committee by the CPSU SPSF  
Group**

**Inquiry into the provisions of the OHS and  
SRC Legislation Amendment Bill 2005**

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- 1.1 The State Public Services Federation (SPSF) Group of the Community and Public Sector Union (CPSU) represents employees of State government departments, authorities and employing bodies across a broad range of vocations, classifications and industries (in the broadest sense of the word).
- 1.2 Our coverage and interest includes employees who work in advising, developing, researching and administering the various occupational health and safety (OH&S), as well as workers' compensation schemes in all states – New South Wales, Victoria, South Australia, Western Australia, Queensland and Tasmania. This activity includes persons engaged in investigating and ensuring compliance with the applicable laws.
- 1.3 The SPSF operates as a democratic and representative organisation and convenes a national committee of officers who are responsible for OH&S and workers' compensation policy matters within the union and are in close contact with the member's issues in each state. We share information, develop campaign material directed at improving OH&S and workers' compensation schemes and participate actively in the ACTU OHS Committee.
- 1.4 As a organisation we have long held the view that OH&S and workers' compensation are integrated schemes – the first serves to prevent work based injury and disease – the latter to compensate those workers and their families who suffer work related injury or disease that results in incapacity for work.
- 1.5 We do not suggest that any of the existing state schemes are perfect, and from time to time have made vigorous submissions for reform and improvement.
- 1.6 We do however have a strong view that the appropriate bodies to regulate both workers' compensation and OH&S are the state legislatures because of their responsiveness to the circumstances and needs of the workers and industries in each state.
- 1.7 The extension of Federal law – amendment of the Safety, Rehabilitation and Compensation Act 1988 (SRA ACT) to eligible "corporations", opened an avenue for businesses that "compete" with Commonwealth authorities (or former authorities) to self insure

in a scheme originally designed for employees of the Commonwealth government and its authorities (the extent of “competition” does not appear to be great to attract the approval of the relevant federal minister who has a very wide discretion).

- 1.8 We believe the likely effect of this extension will undermine the viability of the existing state workers’ compensation systems.
- 1.9 The current Bill before the Senate removes the self- insuring corporations from the purview of the state OH&S laws – including from the inspectorial and enforcement arms.
- 1.10 In our opinion the Federal OH&S scheme (as amended) is deficient in failing to incorporate a central role for unions and delegates in OH&S preventative structures in the workplace.
- 1.11 There is abundant evidence that workplaces that are unionised are generally safer places to work.
- 1.12 Much can be said about benefits, access, administrative and appeal structures in the state workers’ compensation schemes – for us, the central issue is the prevention of injuries and illnesses at work along with accessibility to effective, equitable compensation for those workers who suffer incapacitating injury or illness in the course of employment. Obviously, as we exist to represent the interests of employee members, we favour those schemes, or aspects thereof, that are most beneficial to the employee.
- 1.13 We oppose the current Bill (and indeed the previous extension of the SRC Act to “competing” corporations) because combined they remove a significant number of employees from integrated state schemes of prevention and compensation – all achieved virtually by administrative “fiat” by the relevant federal minister.
- 1.14 The Commonwealth is a federation of states who freely came together under the Constitution that clearly defines federal power – to date this has not been understood to include federal power over OH&S or workers compensation matters other than its own employees (we note the pending appeal concerning Optus by the Victorian government).

1.15 We urge rejection of the Bill before the Senate because it undermines and fragments existing state OH&S schemes and weakens protection and enforcement available through of existing state law and structures.

1.16 No change should be made that weakens existing standards in relation to OH&S because it will then contribute to erosion of workers health and safety standards and increase costs – both financial, and human, as workers and their families suffer.

1.17 This submission is made by the CPSU SPSF Group.

1.18 We generally adopt and endorse the submission and concerns of the ACTU.

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