

## NATIONAL OHS HARMONISATION

In 2008 the development process for the Model Work Health and Safety (WHS) legislation was commenced by the Federal Government. The aim of the process was to develop model legislation and codes of practice that can be used by the State and Territory governments to harmonise the State and Territory OHS laws to make it more affordable and less complex for larger businesses to work across borders.

This legislation is scheduled to be implemented and operational in each State and Territory by 1 January 2012.

### MODEL WHS ACT

A Model WHS Act was developed in 2010, however to date only Queensland, New South Wales and the ACT have passed the Model WHS legislation through their respective Parliaments. All other States and Territories are in various stages of the implementation process, with some still yet to introduce the Model WHS Act into their Parliament.

### MODEL WHS REGULATIONS

The process for the development of the National Model WHS Regulations has been undertaken over the last 18 months, with a draft released for public comment in December 2010. Since the public consultation, this draft has changed significantly. The 'final draft' of the Regulations which have been endorsed by the State and Territory ministers were finally released in early October 2011 to the public and links the regulations can be found at:

[http://hia.com.au/hia/home/channel/Builders/region/National/WHS\\_OHS\\_Harmonisation.aspx](http://hia.com.au/hia/home/channel/Builders/region/National/WHS_OHS_Harmonisation.aspx)

### MODEL CODES OF PRACTICE

*Stage One Codes* - As part of the Regulations development process, 12 priority codes of practice were developed and released for public comment in December 2011. As a result of the public comments the drafts have been amended with some being withdrawn completely. Updated draft Codes of Practice were released in early October 2011 and links to the Codes can be found at [http://hia.com.au/hia/home/channel/Builders/region/National/WHS\\_OHS\\_Harmonisation.aspx](http://hia.com.au/hia/home/channel/Builders/region/National/WHS_OHS_Harmonisation.aspx)

*Stage Two Codes* - A second stage of codes have been drafted and have been released for public comment. These codes include a number of construction specific codes. The Stage two Codes of Practice are not expected to be introduced on 1 January 2012.

### What is the difference between the act, regulations and codes of practice?

The model WHS Act sets out work health and safety responsibilities. The WHS Regulations expand on the requirements of the act, with details of how certain sections of the act are implemented and specific direction on how to meet those obligations.

The codes of practice provide guidance on achieving the standard of health and safety that can apply to a profession, trade or industry. They provide detailed information on particular areas of an act or regulation, and outline activities, actions, technical requirements, responsibilities, and responses to events or conditions within a workplace.

There will be some differences in the WHS laws in each State and Territory as they are finalised. To review the State Based Variances in the Act, Regulations and the Codes of Practice contact HIA's WHS and Safety Services Advisors on 1300 650 620.

### With all these delays, will the WHS laws still start in January 2012?

Business should prepare for having the new laws operational on 1 January 2012 unless their respective State or Federal Government announce otherwise.

### INFORMATION SESSIONS & TRAINING

To review information session and training opportunities contact a HIA WHS and Safety Services Advisor on **1300 650 620** or at:

[http://hia.com.au/hia/home/channel/Builders/region/National/WHS\\_OHS\\_Harmonisation.aspx](http://hia.com.au/hia/home/channel/Builders/region/National/WHS_OHS_Harmonisation.aspx)

More information on the laws can also be found at WorkCover Authority of NSW:

<http://www.workcover.nsw.gov.au/newlegislation2012/Pages/default.aspx>

Or Fair Work Australia website: [www.safeworkaustralia.gov.au/Pages/default.aspx](http://www.safeworkaustralia.gov.au/Pages/default.aspx)



MEMBER ALERT