

So much for OHS harmonisation

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It all started way back in July 2008. The plan was to rid the nation of disparate occupational health and safety legislation. Commonwealth, State and Territory governments would together develop uniform model legislation which everyone would then pass.

Sensible, and applauded by everyone. Of course, it was never going to be easy, or fast. And there were bound to be turf wars. So a comfortable buffer was built in: kick off on 1 January 2012.

On the eve of proposed commencement, let's recap on progress. Alas, national harmonisation of OHS legislation is less likely than Santa sliding down your chimney on Christmas Eve.

NSW was a strong starter and actually accelerated some of the changes – including the new positive obligation on “officers” to exercise due diligence – by amending the *Occupational Health and Safety Act 2000* (NSW) effective 7 June 2011. The *Work Health and Safety Act 2011* (NSW) was due to commence on 1 January 2012, but now there's a chance it might not.

The Commonwealth, ACT and Queensland currently look set for a 1 January 2012 kick off date, and the NT bill was passed on 2 December. But Queensland operations beware. If you're in the oil and gas industry for example, the model legislation won't apply. Instead the *Petroleum and Gas (Production and Safety) Act 2004* (Qld) will continue to operate.

SA and Tasmania have deferred debate on the state-based bills until February and March 2012 respectively. Victoria has hinted on 1 January 2013 commencement at the earliest, and WA appears yet to be convinced that it should pass mirror legislation in its entirety, if at all.

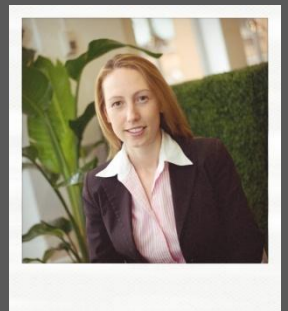
So there you have it. OHS harmonisation will not commence nationally on 1 January 2012, if ever at all. But that doesn't mean you can sit on your hands. Identification of what will operate, and when it will commence, is still crucial. And if you're in NSW, it may mean a bit of catch up on the changes that have already started operation.

Questions? Give us a call.



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