



Australian Hotels Association

2018 Review of the Model WHS Laws

18th April 2018

Introduction

The Australian Hotels Association (AHA) appreciates the opportunity to provide comments in relation to the Review in respect to the commencement of the National Model Harmonisation of Work Health and Safety Legislation, and the subsequent adoption of the following states in 2012, Australian Capital Territory, Queensland and in 2013, South Australia and Tasmania.

The AHA, while a National Association has branches in all states and territories, which subsequently has seen the branches other than Victoria and Western Australia be involved in the implementation of the Model Legislation through the applicable state authorities.

The AHA National body participated in the implementation of the Model Harmonisation approach from its commencement following the Decision of the Council of Australia Governments (COAG) in 2009 -2010. The AHA's participation occurred through its membership with the Australian Chamber of Commerce and Industry (ACCI), Work Health and Safety, Workers Compensation Working Group.

This involvement enabled the AHA to ensure that the existing legislation in practice in the various States at that time and the nature of the obligations to Hotel Sectors in these States was understood., in particular when the majority of the Hotel Sector businesses are small (less than 20 employees) and medium (between 20 to 49 employees), being a total of 93% of the Hotel Industry.

The initial assessment of the implementation of the Model Legislation from 2012 by the applicable States was that due to the extent of the existing provisions of the State Legislations that were adopted into the model legislation, that it was anticipated a number of sectors would not be subjected to significant changes to ongoing provisions/practices.

This observation appears to have occurred at the time of commencement and at the time of this current Review.

The AHA's involvement in this Review, and the assessment of the current Model legislation as in operation in the six (6) states where it is applied, from the feedback from its branches would re-affirm that there has been no major concerns or impact for the ongoing operation of Hotel Venues.

The AHA has participated in this Review, by its ongoing involvement with ACCI and its Work Health and Safety Working Group.

Principal position

In providing its submission to Safe Work Australia in this Review, the AHA strongly supports and endorses the submissions and comments of that submitted by the Australian Chamber of Commerce and Industry.

The AHA was a participant in the process of consideration of the Reviews identified, issues and categories for assessment as outlined in the thirty seven (37) questions, as conducted by ACCI through the ongoing operation of its Work, Health and Safety, Workers Compensation Working Group.

In putting this principal position of support, the AHA, re-affirms its comments in the above introduction. This is due to the ongoing established provisions and the State legislation applied and in particular, the working relationships that occurred between the branches and the respective State Authorities, in relation to the education and awareness of the new legislation being provided to the industry in practical workshops and information articles.

The issues that are identified by the AHA as of general ongoing concern in the Harmonisation process are also stated in detail in the ACCI Submission.

Questions 1, 3 and 4, the extent of the three tiered approach and Codes of Practice.

The concept of this approach is acknowledged and was supported from implementation.

The observation identified at that time and currently is the significant nature and of content of the Act, Regulations and in particular Codes of Practice (COPs).

The COPs while intended to provide the practical approach for application, are still considered cumbersome and complex for small and medium sized businesses to easily understand and be complied with.

It is also identified that Guidance Materials were also established to support the above three tiered approach for issues that were considered not to have the same regulative compliance of Codes.

The nature of the Industry Sectors Businesses operate in, will see the extent of the COP's being applied, which does reduce the potential extent of the application of COP's.

This process has also been assisted by the situation that number of COP's applicable to a particular Business or Sector were in practice prior to the commencement of the harmonisation, which has seen an update awareness of the COP's, and not the commencement of the new requirements.

The implementation process of COP's and Guidance Materials, was and is assisted by the support of the applicable State Authorities with their respective Educative Information processes provided to Businesses and in particular through Industry Association.

The three-tiered approach includes references in the COPs of applicable Australian Standards.

It is considered that this becomes another level of compliance, that in pragmatic terms be a duplication of the application of the COP's and Guidance Materials, and is not practically required. This observation being enlarged due to the Australian Standards, being required to be purchased at a cost to businesses, where there may not be any additional significant assistance to the application and compliance of the legislation for Businesses.

The AHA advises that the view of ACCI in relation to the overlap of Australian Legislation, which due to the range of Workplace Legislation applicable to Businesses, can see compliance and non compliance on issues covered by a number of legislations, ie: Discrimination, Documentation, Compliance and Bullying.

Conclusion

The AHA supports the Review of the current WHS Legislation implemented in accord with Harmonisation approach and the consideration of its application on a State by State WHS Juridical basis and the nature of the operating activities of the various Sectors, Industries and professions.

The AHA looks forward to its opportunity to continue its participation in the Harmonisation education intention.

The contact for the AHA for any further information and ongoing involvement for the AHA is Trevor Evans, Manager – Industrial Relations and Human Resources from the South Australian Branch on [REDACTED]

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