



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

6 September 2018

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

By email: eec.sen@aph.gov.au

Dear Committee Secretary

THE FRAMEWORK SURROUNDING THE PREVENTION, INVESTIGATION AND PROSECUTION OF INDUSTRIAL DEATHS IN AUSTRALIA

In light of the comprehensive review of the model workplace health and safety (WHS) legislation, any recommendations on a particular aspect, such as industrial deaths, must be harmonised across jurisdictions to ensure there is no conflicting compliance obligations.

Jurisdictional inconsistency already exist as Western Australia and Victoria have not adopted the three-tiered WHS model. This limits the ability of small businesses to comply with the law as first they must identify which particular WHS is relevant for a particular jurisdiction. Small businesses do not have a dedicated legal team or even a dedicated legal representative. The aim should be a base line consistency across all jurisdictions for all relevant aspects of WHS law.

Further amendments of the WHS framework must take into account the limited resources of small businesses. Consideration should be given to assisting small businesses to comply with jurisdiction specific provisions through clear, simple and defined obligations. If this cannot be achieved, adopting measures like the NSW Small Business Rebate¹ and the small business safety programs in Queensland² and Northern Territory³ would help ease regulatory burden.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Jill Lawrence on 02 6263 1558 or at jill.lawrence@asbfeo.gov.au.

Yours sincerely

Kate Carnell AO
Australian Small Business and Family Enterprise Ombudsman

¹ [SafeWork NSW, Small Business Rebate](#)

² [WorkCover QLD, Injury Prevention and Safety Small Business](#)

³ [NT WorkSafe, Small Business Safety Program](#)