



Introduction

The Australian Council of Trade Unions (ACTU) is the peak body of the Australian union movement representing the interests of over 1.9 million working people and their families. The ACTU and its affiliates participate in dozens of Standards development committees.

General Comments

The ACTU is concerned that there will be a negative impact on health and safety Standards in Australia due to the restriction of trade provisions in free trade agreements negotiated with countries whose health and safety standards are poor or below Australia's standards. The ACTU does not support the lowering Australia's health and safety standards for the purposes of international trade.

The ACTU would be concerned if industry bodies were granted peak Standards writing status by the Australian government. The potential dangers include undermining existing Standards, consistency issues between the Standards writing bodies and the partisan approach likely to be taken by the industry body to the development of the standard. Moreover, a process already exists for other bodies to be accredited by Standards Australia (AS).

Recommendations

The ACTU has four recommendations for the Productivity Commission to consider:

1. The ACTU is supportive of recent moves by AS to improve the representation of trade unions within its governance structure and on Standards development committees.

However, the ACTU remains concerned that there is an over representation of industry, particularly manufacturers, at the Standards development level. This point relates to the *the efficiency and effectiveness of standards setting* – if there is a real or even perceived imbalance in the representation on a Standards development committee, support for and engagement in the process of developing the standard diminishes.

By way of an example, the development committee for SF-001 Occupational Health & Safety Management consists of the following organisations:

1. Accident Compensation Corporation (New Zealand)
2. ***Australasian Railway Association***



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- 3. Australian Chamber of Commerce and Industry**
 4. Australian Council of Trade Unions
 - 5. Australian Electrical and Electronic Manufacturers Association**
 - 6. Australian Industry Group**
 - 7. Bureau of Steel Manufacturers of Australia**
 8. Certification Interests (Australia)
 9. Construction Policy Steering Committee (NSW)
 10. Department of Consumer & Employment Protection, WorkSafe Division (WA)
 11. Department of Health New Zealand
 12. Department of Labour New Zealand
 13. Department of Natural Resources, Mines and Water (Qld)
 - 14. Energy Networks Association**
 15. Engineers Australia
 - 16. Federated Farmers of New Zealand**
 17. Independent Chairperson
 - 18. Master Builders Australia**
 19. NZ CTU
 20. National Safety Council of Australia
 - 21. New Zealand Contractors Federation**
 - 22. New Zealand Employers and Manufacturers Association**
 23. New Zealand Institute of Safety Management
 24. Office of the Australian Safety and Compensation Council
 25. RABQSA International
 26. Safety Institute of Australia (Incorporated)
 - 27. SingTel Optus Pty Limited**
 - 28. Telstra Corporation Limited**
 29. The Institute of Internal Auditors - Australia
 - 30. The New Zealand Chemical Industry Council Inc**
 31. The University of New South Wales
 32. University of Ballarat
 33. Victorian WorkCover Authority
 34. WorkCover New South Wales

Of the 34 representative bodies, 13 (38%) represent business (highlighted) whereas only two (ACTU & NZCTU) are trade union representatives.

This is merely one example of the many development committees that are over represented by business. This runs counter to Standards Australia's own guide to the structure of technical committees where it states:

“technical committee[s] need to represent a balanced cross-section of interests that would potentially use, or be influenced by, the Standard. In general terms, there must be a balance among the main divisions of Standards users.”*

Further problems arise at the “Approval of Standards” stage. Standards Australia states:



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“Prior to the adoption of the document as a Standard the responsible technical committee, through a formal ballot of committee members, approves the content of the Standard. As part of their responsibilities in accepting a position on the committee, committee members are obliged to submit votes at the ballot stage on behalf of their nominating organization, either in the affirmative or in the negative. All negative votes are required to be accompanied by technical reasons for the vote. Only when consensus has been achieved can the document proceed to become a Standard.

Where a committee member casts a negative vote, the committee is obliged to give thorough consideration to the reasons for the negative vote and to attempt to find a resolution that is acceptable to the committee as a whole. Note that committee members are voting on behalf of their nominating organization and not acting as individuals.

Consensus is achieved when all of the major interests involved with the subject of the Standard have collectively accepted the content of the document and have voted affirmatively. This normally implies a unanimous affirmative vote, but occasionally it may be achieved where there are one or more outstanding negative votes.

If the committee has made all reasonable efforts, but is still unable to resolve one or more negative votes, consensus may be deemed to have been achieved if

- a minimum 67% of those eligible to vote have voted affirmatively, and
- a minimum 80% of votes received are affirmative, and
- no major interest involved with the subject of the Standard has collectively maintained a negative vote.

These principle apply to the Australia voting on Joint Australian New Zealand Standards while the New Zealand approval is decided by Standards NewZealand. In the event that a consensus can be achieved in one country but not the other, the Committee may consider the option of producing country specific clauses or separate national Standards.

In all cases where unanimity has not been achieved on the ballot, it is the responsibility of the relevant Standards Sector Board to arbitrate on whether or not these criteria have been met.

If the Standards Sector Board deems that consensus has not been achieved, it may make recommendations aimed at resolving the impasse or may determine that consensus is not achievable on this subject at this point in time.

A nominating organization whose objection is not resolved is given the option to withdraw the name of that nominating organization from the published standard.”

When a stakeholder group like trade unions, who attend to represent the interests of Australian workers (often relating to health and safety aspects of a Standard), are eligible for only one or at best two representatives on a development committee and therefore one or two votes, compared to



business who hold over a third of the votes, those one or two votes lose all value.

To use Standards Australia's own words, "in order to achieve the twin cornerstones of standardization—transparency and consensus, a technical committee needs to represent a balanced cross-section of interests..."

We are concerned that the current model is failing to achieve this objective. Trade unions resource their representatives to attend the development committee. We cannot afford to waste those precious resources on a process that is not transparent or truly consensus driven.

The ACTU recommends a more even balance of interests represented on development committees with a voting structure that is based on one vote per stakeholder group (e.g Industry, government, unions, consumers)

2. AS requires increased resourcing from the federal government specifically directed towards improving stakeholder participation in development committees.

As stated, at the moment stakeholders fully resource their representation at Standards development committee meetings. With dozens of committees running at any one time, this becomes a costly exercise, especially for "not-for-profits" with regards to interstate travel and accommodation. This cost represents a barrier to effective stakeholder engagement.

The ACTU believes that it is *the appropriate role of the Australian government* to resource the participation of "not-for-profit" organisations, including trade unions, in Standards development committees. The government, in attributing official status to AS as the peak technical standards writing body, must also fund AS to ensure effective stakeholder engagement.

3. A worker impact statement should be provided for all Standards to be used in Australian workplaces.

Over 2400 Standards are referred to in state and commonwealth legislation of all types with around 200 in OHS regulations and codes of practice.

It is essential that the impact on workers is analysed during the development of any Standard relating to the workplace as these Standards directly impact on workers' health and safety and other conditions.

4. The Mining sector especially the Coal sector have until recently, been well served by three Australian NATA. SIMTARS run by the Queensland - Department of Natural Resources and Mines and situated at Redbank in



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Queensland, and the NSW Department of Mineral Resources testing station formally at Lidcombe NSW. The Lidcombe centre has recently been relocated to Thornton laboratory in Maitland. Lastly a testing station at Londonderry NSW operated by NSW Work Cover.

The coal industry, especially the underground sector rely on these testing authorities to conduct testing on such things as:- Self contained self rescuers (emergency breathing devices), fire resistant ventilation cloth and conveyor belting, explosion protected boxes for housing of electrical equipment, and permitted explosives allowed to be used in coal, plus a number of other tests mainly specific to coal mines.

Some of these tests mentioned above are now ceasing to be undertaken,(e.g. the testing of permitted explosives) as the tests are not required to be conducted regularly.

If this is allowed to happen with other forms of testing we fear that either overseas products will be allowed to be used (some of which we believe are not to the previous standards) or employees safety will simply rely on companies supplying what they believe is suitable equipment based in some cases on site developed risk assessments and with little to no scientific basis.

The ACTU recommends that where NATA have specific testing responsibilities for such industries it should be the responsibility of the federal government to provide funding so that testing of this nature will continue to be made available at reasonable costs and within Australia.

* All quotes taken from Standards Australia's website: <https://committees.standards.org.au/POLICY/>