



**Australian Government**  
**Productivity Commission**

Performance Benchmarking of  
Australian Business Regulation:  
Occupational Health & Safety

Productivity Commission  
Research Report

March 2010

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**Publications Inquiries:**

Media and Publications  
Productivity Commission  
Locked Bag 2 Collins Street East  
Melbourne VIC 8003

Tel: (03) 9653 2244  
Fax: (03) 9653 2303  
Email: [maps@pc.gov.au](mailto:maps@pc.gov.au)

**General Inquiries:**

Tel: (03) 9653 2100 or (02) 6240 3200

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***The Productivity Commission***

The Productivity Commission is the Australian Government's independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role, expressed most simply, is to help governments make better policies, in the long term interest of the Australian community.

The Commission's independence is underpinned by an Act of Parliament. Its processes and outputs are open to public scrutiny and are driven by concern for the wellbeing of the community as a whole.

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# Foreword

Benchmarking the burdens imposed on business by regulation is an important part of the regulatory stream of the National Reform Agenda of the Council of Australian Governments (COAG). The Agenda focuses on reducing the regulatory burden imposed by the three levels of government.

Almost all businesses are affected by occupational health and safety (OHS) regulation, some of which is unnecessarily burdensome. In undertaking this review, the Commission compared written regulation and assessed the performance of OHS regulators to identify where administration and enforcement practices may be imposing unnecessary burdens on business. The insights provided should help governments ensure the benefits from regulation are not outweighed by the costs imposed and remove unnecessary compliance costs.

The study was overseen by Commissioner David Kalisch and Associate Commissioner Paul Coghlan, with a staff research team led by Sue Holmes.

The Commission has been greatly assisted by many discussions with participants in the sector, by submissions and by the regulators who filled in detailed questionnaires. Thanks are extended to all those who have contributed.

Gary Banks AO  
Chairman  
March 2010

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## Terms of reference



**The Hon Chris Bowen MP**  
**Assistant Treasurer**  
**Minister for Competition Policy and Consumer Affairs**

16 DEC 2008

**Mr Gary Banks AO**  
**Chairman**  
**Productivity Commission**  
**GPO Box 1428**  
**CANBERRA CITY ACT 2601**

Dear Mr Banks

I am writing to you regarding the 2009 work plan of the Productivity Commission's Performance Benchmarking of Australian Business Regulation study.

In response to your request of 12 September 2008, this matter was raised at the 24 October 2008 Council of Australian Governments' Business Regulation and Competition Working Group meeting.

The BRCWG:

- noted the merit in continuing the benchmarking work program;
- agreed that occupational health and safety and food safety regulation should be considered by the Commission in year 2;
- requested that the Commission complete the OH&S and food safety benchmarking reports by December 2009; and
- agreed to revisit the Commission's future work plan in relation to the benchmarking study in 12 months time.

I would be grateful if you could undertake whatever action is necessary to fulfil the BRCWG's direction. The Commission may structure its work as it sees fit within the timeframe indicated above.

I have copied this letter to the Minister for Finance and Deregulation and the Minister Assisting the Finance Minister on Deregulation.

Yours sincerely

**CHRIS BOWEN**

PO Box 6022  
Parliament House  
CANBERRA ACT 2600



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