

Work Health and Safety (Review Recommendations) Amendment Bill 2024

AIHS Submission to the Draft Bill Public Consultation

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Introduction

The Australian Institute of Health and Safety (AIHS) has a more than a 70-year history as a professional member-based OHS/WHS association. In addition to WHS practitioners and professionals in a wide variety of workplaces and consultancies, our membership includes academics and researchers in disciplines such as safety science, ergonomics, and occupational hygiene, and WHS lawyers. The AIHS has about 4,000 members nationally but more than triple that who receive our regular online material. AIHS is affiliated with the International Network of Safety and Health Professional Organisations (INSHPO).

The AIHS also manages the OHS Body of Knowledge and the Australian OHS Education Accreditation Board. Overall, AIHS works with other WHS stakeholders to mitigate occupational fatalities, injuries, and disease.

SafeWork SA (SWSA) has encouraged strong relationships with AIHS and among academic researchers and experts in all WHS disciplines.

The focus of our submission is on the Act Amendments relating to the SWSA Advisory Committee and the provisions for civil dispute resolution.

Insertion of Part 1 Division 5 (after Section 12)

Division 5—SafeWork SA Advisory Committee; 12A—Establishment of committee

We welcome this amendment, and particularly where WHS professionals are represented on the Advisory Committee. This is in line with other states such as WA and QLD, and such representation is very effective as evidenced in minutes of the meetings.

As a stakeholder group, WHS professionals manage WHS systems in large organisations, provide advice to business (large and small), conduct training, undertake research and contribute to standards and guidelines. Their perspectives reflect “on the ground” national and international experience.

Whilst the term “WHS professional” is used in 12A 2 (b) (v) it is not defined.

We argue that “WHS Professional” needs to be defined. In our view, “WHS professional” is not self-evident, and unclear from the Australian and New Zealand Standard Classification of Occupations (ANZSCO). On the other hand, the professional certification schemes of WHS professional bodies provide a robust benchmark criterion.

We propose the following definition.

Persons who (1) have a dedicated WHS role; AND (2) satisfy the education and experience entry requirements for professional certification by a WHS professional body recognised by SWSA.

Note that meeting entry requirements for professional certification does not restrict trade or imply professional body membership. However, certification itself is a long-standing component of the WHS professional bodies operations. It certifies the achievement of capability, with international recognition.

Subcommittees (section 12C 2a)

We strongly support the inclusion of subcommittees. We wonder, however, whether this requires Ministerial approval if the work of subcommittees does not entail significant resources.

Subcommittees will enable the Advisory Committee to consider issues in more detail and make well informed decisions.

We understand that WHS data, in various forms, were considered by the Advisory Committee in the early stages. This area aligns with the Australian Work Health and Safety Strategy 2023-2033 in the Action Area of Data and Intelligence Gathering.

We recommend the establishment of a WHS data and intelligence subcommittee to support data integration and analysis, and the subsequent development of data-driven priorities and policies.

The AIHS has a Research Committee which links with national researchers in university and government sectors and supports evidence-based policy. In addition, the South Australian universities have a strong track record in collaborating with SWSA in respect of nation-leading research in areas such as heat and work injury. Again, this aligns with the Australian Strategy in respect of Climate-Related Risks.

Beyond data-driven policy, subject matter experts and WHS professionals can contribute to subcommittees addressing issues such as WHS education and intervention evaluation.

Civil Dispute Resolution

The provisions for civil dispute resolution potentially extend the reach of the Inspectorate. Regulators throughout the world, acknowledge the limits of their reach. The challenges are evidenced in the recent [IALI Activity Report](#) and during the World Congress in Occupational Safety and Health. Technology can assist in regulation, but the issues of small business regulation and ongoing changes in work arrangements are significant.

WHS professionals can increase the leverage of the Inspectorate but face ethical dilemmas if they are in a corporate role. However, WHS Professionals can provide evidence pertinent to the dispute, as required. That is, in a supporting role, rather than initiate a dispute regarding unsafe work.

We suggest that Section 82A (7) make reference to WHS professionals as supporting the work of the SAET.

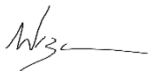
We recommend that Section 82A (7) (b) be altered to:

Making a recommendation or expressing an opinion on the advice of a WHS professional

Conclusion

We commend the SA government in proposing these amendments to the WHS Act. If adopted, they will lead to greater stakeholder engagement and improved WHS outcomes.

For additional input or clarification please feel free to contact Mary Nizamis – Chair of SA Branch Committee (sabbranch@aihs.org.au) or Dino Pisaniello (cofchair@aihs.org.au)



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