

**PERFORMANCE  
BENCHMARKING OF  
AUSTRALIAN BUSINESS  
REGULATION  
OCCUPATIONAL HEALTH &  
SAFETY**

## **SUBMISSION TO PRODUCTIVITY COMMISSION ON PERFORMANCE BENCHMARKING OF AUSTRALIAN BUSINESS REGULATION: OCCUPATIONAL HEALTH & SAFETY**

This submission is made by the Safety Institute of Australia Inc.

The Safety Institute of Australia Inc (SIA) aims to promote safety and health. The Institute believes that the active participation of qualified and experienced health and safety practitioners is a prerequisite to the specification of health and safety responsibilities of government, employers and community organisations.

The objectives of the SIA are to:

- Promote health and safety awareness
- Advance the science and practice of health and safety
- Encourage the recognition of the Institute's involvement within health and safety
- Promote professional recognition and develop ethical awareness and integrity through the Institute's involvement in industrial, domestic and community health and safety issues
- Research and develop health and safety practices.

Our submission relates to two areas:

- Cost of compliance imposed on businesses and their professional advisers (internal and external) by the variation in jurisdictional approaches to Occupational Health and Safety Law.
- Standardisation of competency requirements for OHS advisers.

The Safety Institute of Australia commends the Productivity Commission on this very important and timely review into Performance Benchmarking of Australian Business Regulation in the area of Occupational Health and Safety.

We look forward to continuing to work constructively with the Commission's review team members and all other stakeholders (Government and non-Government) to ensure outcomes are achieved that will facilitate a safe and healthy workplace for all Australians, create business value and reduce social costs.

All enquires relating to this submission should be directed to Mr Gary Lawson Smith, Chief Executive Officer of the Safety Institute of Australia on 03 8336 1995.

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### **Cost of compliance imposed on businesses and their professional advisers (internal and external) by the variation in jurisdictional approaches to Occupational Health and Safety Law.**

Organisations which operate across multiple jurisdictions and the professionals who advise them on OHS compliance face significant obstacles in maintaining contemporary knowledge of legislative requirements across jurisdictions.

Corporate health and safety management systems which prescribe organisational operating standards for OHS must contemplate and interpret the requirements of every jurisdiction and maintain a watching brief on OHS law in each jurisdiction to ensure that corporate standards remain current.

Websites operated by OHS regulators generally provide minimal assistance in understanding recent legislative changes or those which impact on specific industries. Due to the lack of timely and practical information many organisations invest in online OHS legal reporting services which notify legislative changes in order to ensure that their OHS operating systems maintain contemporary content.

Many larger organisations choose to prescribe the highest compliance standard which exists in any jurisdiction and apply it across the business to avoid producing multiple versions of compliance standards, however, while this is a practicable approach a degree of caution is required to ensure that a requirement peculiar to one jurisdiction has not been inadvertently overlooked.

This approach is not practicable when dealing with a matter such as notification of serious incidents. Each jurisdiction prescribes different criteria, timeframes, content and processes for incident notification, thus requiring businesses which operate across jurisdictions to maintain contemporary knowledge of the requirements in each jurisdiction and to produce operating instructions for each.

A nationally consistent model for notification of serious incidents to Regulators would be a significant innovation and would eliminate the confusion and additional cost of compliance which currently exists for organisations operating in multiple jurisdictions.

### **Standardisation of competency requirements for OHS advisers.**

A definition of “suitably qualified OHS advice” must be introduced into national OHS legislation to underpin the professional competency required to execute the requirements of such legislation.

In late 2007 Worksafe Victoria identified opportunities to improve health and safety outcomes in Victorian workplaces by working with OHS associations and OHS education providers. After meeting to discuss and explore these opportunities it was agreed to establish an alliance of OHS associations and OHS education providers facilitated by WorkSafe Victoria. This alliance is known as HaSPA (Health and Safety Professionals Alliance).

HaSPA aims to:

- Ø Promote OHS as an area of professional practice;
- Ø Enhance the quality of OHS professionals;
- Ø Improve OHS service delivery to workplaces; and
- Ø Improve OHS in Victorian workplaces.

The Code of Ethics and Minimum Service Standards for Professional Members of OHS Associations was launched by HaSPA at the SIA's Safety In Action 2008 Conference in Melbourne on 29 April 2008 and provides an excellent framework that the SIA considers has immediate national application. A copy of this documentation is attached for your consideration.

The objectives of the Code of Ethics and Standards are to:

- Ø Develop and maintain minimum standards of ethics and service for professional members of OHS associations;
- Ø Provide guidance for professional members of OHS associations on ethical and service standard issues; and
- Ø Strengthen and extend professionalism and promote self-regulation across OHS associations.

The Safety Institute of Australia has adopted the Code of Ethics and Standards nationally to underpin a consistent standard of professional service from OHS practitioners.