



# Safety Institute of Australia

## College of Fellows



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August 11, 2009

The Honourable Julia Gillard MP  
Minister for Employment and Workplace Relations  
Parliament House  
Canberra, ACT, 2600

Dear Minister Gillard,

**Re: National harmonisation of OHS legislation: The need for inclusion of a requirement for persons providing OHS advice to industry to be suitably qualified.**

I have been advised by a senior manager of WorkSafe Victoria that they were recently informed by your Department that there are no plans to include in the harmonised model OHS Act or Regulations, any reference to a need for persons providing OHS advice to companies to be suitably qualified.

For the following reasons, I would strongly request that you and your Department reconsider the omission of this very important detail from the new model OHS legislation.

Presently the Victorian OHS Act has provisions for those people providing OHS advice to be suitably qualified and WorkSafe Victoria is actively striving for implementation of processes to functionalise those provisions.

There are no other mandated pre-requisites for individuals to provide OHS advice to Australian industry.

The standard of OHS advice across Australia varies greatly and exposes workers to avoidable risks of injury and accident if the advice provided is flawed. Without recognition of minimum standards for those providing advice, companies find it difficult to differentiate between individuals and the merits of advice and arguments offered.

Not surprisingly, there have been many instances of court action following inadequate, inappropriate and/or incomplete advice to companies which have added significantly and unnecessarily to the burden of the workers, managers, companies and others involved.

It is indeed ironic that OHS remains a A\$30 billion annual problem to our society, one that on a daily basis causes significant loss and suffering to a very large number of people in our community, yet our regulatory framework largely seems to infer that anyone, regardless of education and experience, can provide guidance to industry in the area. However, if a company needed to get a water pipe repaired, the Australian regulatory framework mandates a licensed plumber.

Today no-one would argue that accidents are not preventable. Indeed, the fundamental premise of the modern OHS legislation is the duty of those in control of workplaces to ensure accidents do not occur. It is now a quarter century since those precepts were enshrined in Australian legislation, yet the injury and accident rates remain astonishingly high.

OHS is not just common sense. If it were, then the problem would surely by now not exist. Delivery of safe workplaces requires the systematic application of proven methods and interventions. As the body of OHS knowledge grows, the prevention paradigm becomes more complex and demanding.

Accordingly, we believe the advent of the harmonised national OHS legislation is an opportunity to engender a step change and normalisation in the standard of OHS advice provided to Australian industry. Those people providing industry and society advice to redress the myriad problems in this domain should have established OHS knowledge and experience credentials and remain cognisant of contemporary thinking and of advances in injury and accident prevention methods.

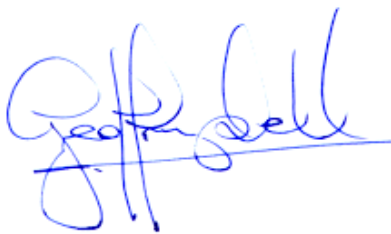
Our motivation for urging you for inclusion of a "suitably qualified" requirement in the model OHS legislation should not be misinterpreted as any desire on our part to diminish or eliminate the equally important requirement for companies to consult their workers, or the workers' elected representatives, on issues and decisions relating to the workers' health and safety. Collaboration of employers and workers in the delivery of appropriate workplace health and safety outcomes is an essential precept.

Rather, it is our strong view that when those workplace collaboration processes need the OHS advice of others, there is an important need to ensure the persons providing that advice have the appropriate credentials to deliver that advice to the maximum benefit of those involved at the workplace.

Accordingly, we implore you to overturn the decision to exclude from the harmonised model OHS legislation a requirement for persons providing OHS advice to industry to be suitably qualified. Failure to do so may ensure another 25 years of mediocre OHS performance in Australia and a golden opportunity will be lost.

We would welcome an opportunity discuss this important matter in more detail, should you or your staff require additional information, and I await your response in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Geoff Dell". The signature is stylized and written over a horizontal line.

Dr Geoff Dell, PhD, CFSIA  
Dean, College of Fellows