

Submission to the National OHS Review July 2008
The Risk Engineering Society, a Society of Engineers Australia
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The Australian Climate

Harmonisation of OHS Laws provides an opportunity to take the Continent of Australia into a leading space in the world for the management of OHS performance. Good OHS performance will assist Australia being world competitive and potentially respected leaders in the management of OHS.

The history summarised by the National Research Centre for OHS Regulation (NRCOHSR) illustrates that Australia has a long history of developing the current and various OHS Acts.

Since Federation, Australia has set in place a competitive OHS performance environment that has refined the law in all Australian jurisdictions where all jurisdictions strive to achieve excellence.

The move toward Harmonisation is in danger of damaging this competitive environment. OHS is more than mere legislation, it is a social environment. Any change that interrupts the continuous improvement that is underway across Australia is in danger of upsetting the delicate balance in the social environment in the various jurisdictions and industry sectors.

Since 1972, OHS has over the years developed as a science in its own right. All academic disciplines have a relationship, an opinion and a contribution to make to managing and improving OHS performance.

Science and time to be part of Model Act Formulation and OHS Governance

Before a model OHS Act can be contemplated in this competitive environment, it is necessary to understand the model required for the Formulation of the Model Act and the governance structure that is intended to support its implementation. The tripartite regimen has served Australia well however the OHS professional has emerged as an additional partner.

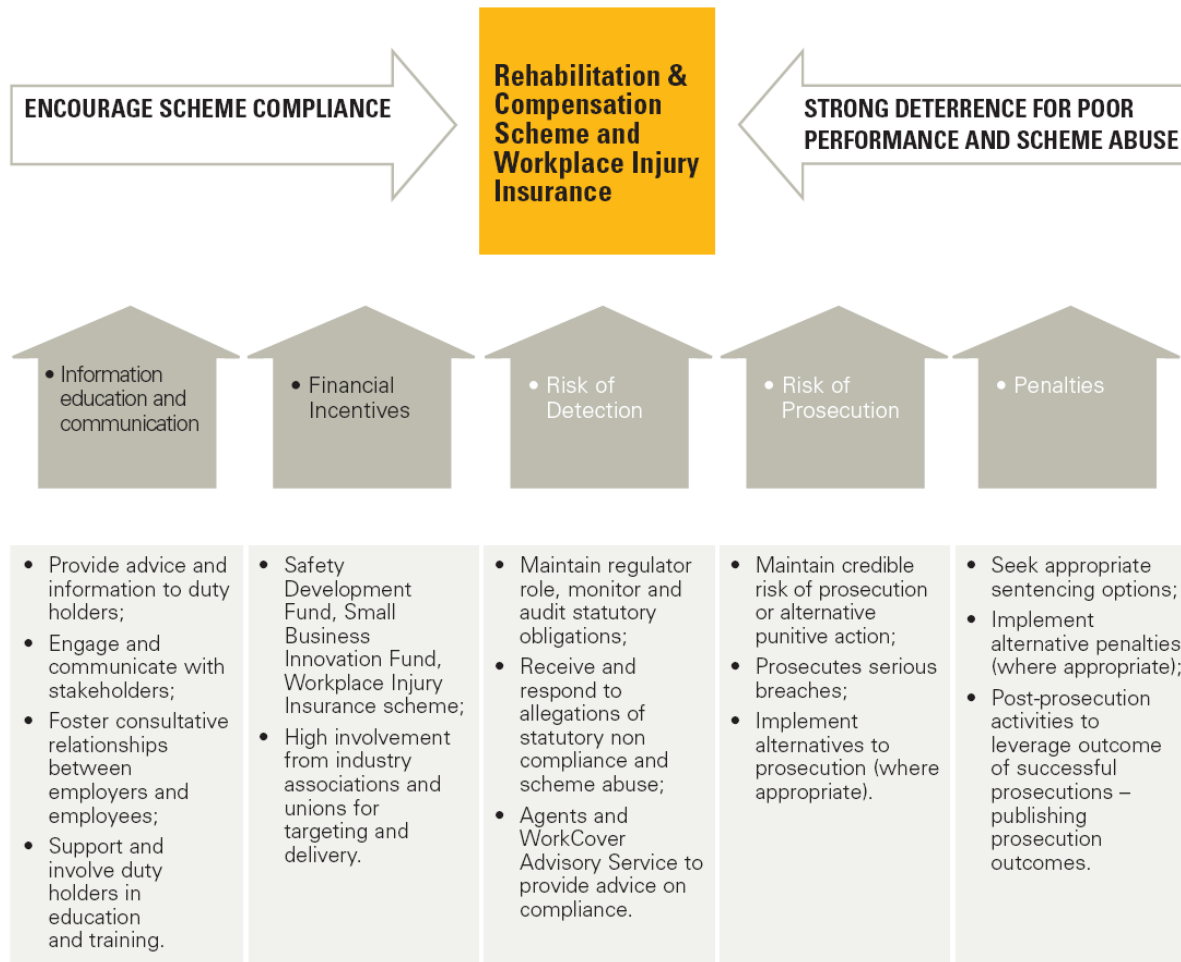
The NRCOHSR highlights that the various regulatory enforcement bodies have moved a distance away from pure enforcement as the driver for improvement. Jurisdictions and industry sectors are all on a journey and are at different stages on the OHS (Carrot and Stick) maturity timeline. ie: Prescription is still mandated in some jurisdictions and some industry sectors while a performance based approach is encouraged in others and others somewhere in between.

It is not the role of submissions to research or advise on OHS Models but resources should be deployed to research and develop the Formulation Model for Australia. It should include the dimensions of: Government, Employers, Employee representation, OHS Science, and importantly: a time component. This concept needs development so that scientific OHS method and OHS maturity is adequately provided for and appropriately considered in the formulation of the Model Act.

Governance Model.

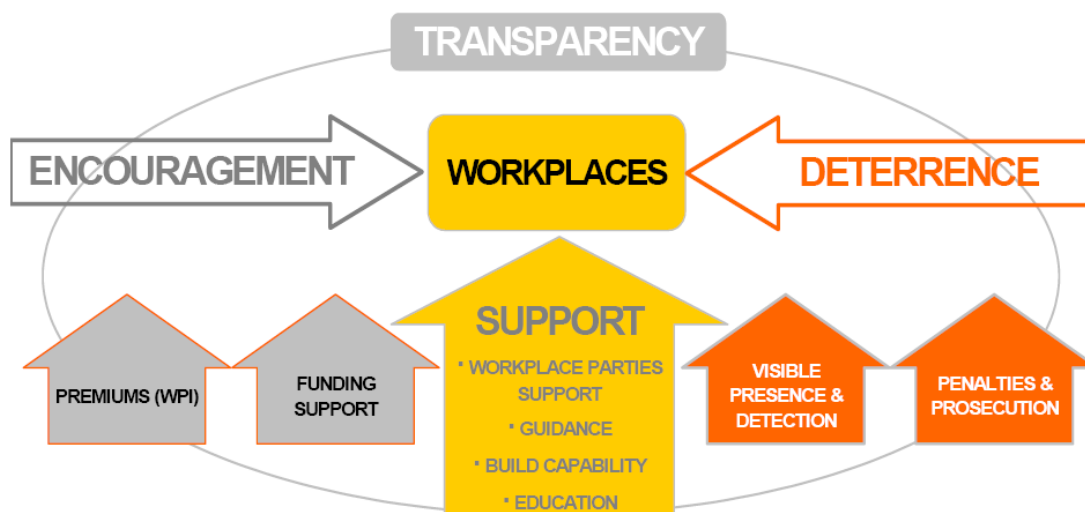
Models for Governance should be reviewed/researched and a preferred model determined. WorkSafe Victoria has a fairly well considered starting point that could form a sound basis for further development.

A Summary of Compliance, Enforcement and Prosecution Policy



Victorian WorkCover Authority VWA1000/01/03.06

Figure 6: Constructive Compliance



The Governance Model will also help define the role of OHS in its need to protect the public. It will also assist with definitions related to responsibility. There is great variation and confusion on the responsibility for administration and enforcement for the various industry sectors which have specific defining legislation and also related hazards like Dangerous Goods, Dusts, Legionella, alcohol, drugs, medication, tobacco smoke, infectious diseases, product performance and protection of visitors, hired labour, contractors, students and customers. What is the relationship between regulators and what is the occupier responsible for?

Definitions

I can hear the shudders, visiting definitions opens up all the old arguments again. However, the Science of OHS has moved along a generation or two since the last in earnest debate in Australia.

This time around an OHS Risk Management Model should be selected and utilised as a basis for determining definitions of such terms as:

- o Hazard
- o Risk

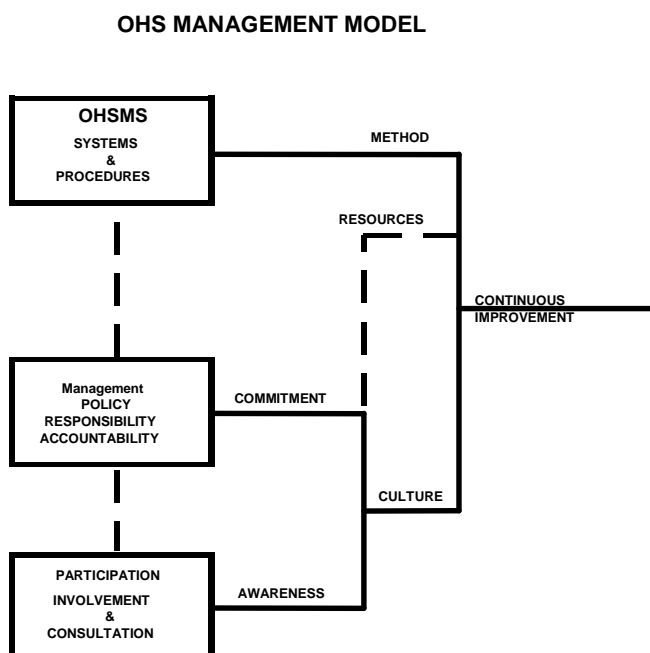
This has a role in the Model Act and can be used later on to assist in defining

- o Incident
- o Serious incident
- o Severity etc...


The engineering risk management tools: Fault Tree and Outcome Analysis (Or their derivative names) and the Generalised Time Sequence Model have been successfully integrated over recent years to form an integrated time based incident causation model often referred to the Bow Tie model. This serves to provide a sound basis for determining a definition for Hazard and for Risk.

OHS Management Model

The Robens Model is due for review and clarification in light of the movement over the last two decades toward the systems approach to OHS management. The quality based model below describes the relationship between the OHS System Risk Management elements and the important System Elements of management commitment and worker participation.



Geoff Hurst after Bently



Further work needs to be done to define the stages of OHS culture. Papers are available on this subject and should be researched and the model adapted. This should provide for the application of a time-line approach to culture. Further assistance can be provided by members of the Risk Engineering Society upon request.