

INQUIRY INTO 2026 REVIEW OF THE WORK HEALTH AND SAFETY SCHEME

Organisation: Advance OHS
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Advance OHS is an approved provider of Health and Safety Representative (HSR) training in New South Wales. Since the inception of the HSR framework, we have trained thousands of HSRs across a wide range of industries.

The Work Health and Safety Act 2011 (NSW) confers significant statutory powers on HSRs, including the ability to represent workers on WHS matters, monitor compliance with the Act, investigate safety complaints, request the establishment of work groups, issue Provisional Improvement Notices (PINs), and, in certain circumstances, direct unsafe work to cease.

Based on our extensive experience as an approved training provider, many HSRs commence Day 1 of training with limited understanding of their role, function, and legal authority under the WHS framework. Mandatory HSR training, as contemplated under the NSW WHS legislative scheme, is essential to ensure HSRs develop a comprehensive understanding of the Act, the Work Health and Safety Regulation 2017 (NSW), and relevant Codes of Practice. This training enables HSRs to accurately interpret legislative duties, understand consultation requirements, and engage effectively and lawfully with persons conducting a business or undertaking (PCBUs).

A consistent observation throughout our training delivery is a clear shift in understanding by the conclusion of the five-day HSR course. By Day 5, many participants experience a significant “light-bulb” moment, where they fully appreciate the purpose, responsibilities, and powers of the HSR role. This progression highlights the importance of the full course duration in achieving genuine competence and confidence.

However, the current legislative framework in NSW lacks clarity by making HSR training mandatory only “if requested.” This approach creates inconsistency and undermines the effectiveness of the HSR role. Greater legislative clarity is required to mandate HSR training, consistent with other jurisdictions, to ensure all HSRs are adequately trained, empowered, and able to fulfil their statutory functions effectively.