

SafeWork NSW Submission

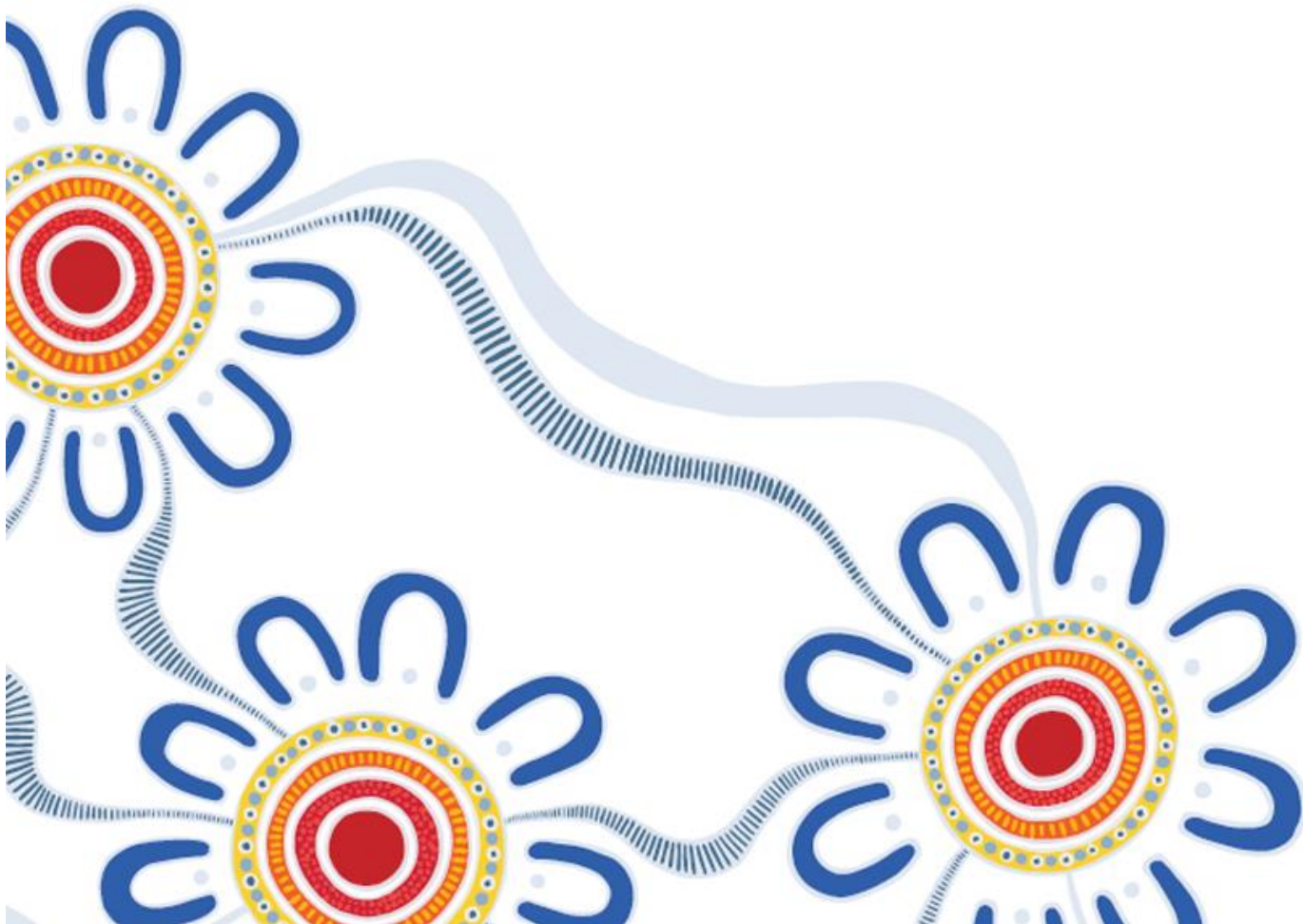
Independent Review of SafeWork NSW



Acknowledgement of Country

SafeWork NSW acknowledges, respects and values Aboriginal peoples as the Traditional Custodians of the lands on which we live, walk and work. We pay our respects to Elders past, present and future. We recognise and remain committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships, and continuing connection to their lands, waters and seas. We acknowledge their history here on these lands and their rich contribution to our society.

We also acknowledge our Aboriginal employees who are an integral part of our diverse workforce, and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and cultures.



The 'Connecting Communities' artwork used here is by Alison Williams, proud Gumbaynggirr woman.

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A message from the Head of SafeWork NSW

On behalf of the SafeWork NSW Executive leadership team I would like to extend my thanks to the Hon. Robert McDougall KC for conducting this Independent Review. SafeWork NSW plays a vital role in protecting the health and safety of workers in NSW. It is important to ensure it is performing its role as the state's workplace health and safety regulator as effectively as possible.

I was appointed as the Head of SafeWork NSW and the Deputy Secretary of Better Regulation just over 12 months ago. During that time, I have been proud and privileged to work alongside the dedicated people we have in SafeWork NSW who are committed to ensuring every worker returns home safely each day.

Their work is by no means easy. In 2021/2022, SafeWork NSW received and actioned over 25,000 enquiries, more than 12,000 work, health, and safety complaints and over 4,000 submissions through the 'Speak Up Save Lives App'. NSW is one of the leading States and Territories in terms of harm reduction. Over the last 10 years we have seen a 26% reduction in fatal workplace incidents.

However, there is more to be done. Following some concerning reports in the media late last year, I formed the view that an Independent Review into SafeWork NSW would be beneficial. While the media reports related to incidents that happened several years ago, it is important to ensure that such issues are not prevalent in the organisation today or into the future.

Considerable effort is already underway to reform and improve processes and systems. For example, SafeWork Inspectors cannot be instructed or directed to issue more penalty or prohibition notices. This is because, under law, Inspectors must form their own reasonable belief about the issuing of such notices. At an organisational level, however, there is a focus on whether the current deployment of available regulatory intervention and enforcement options remains fit-for-purpose and as effective as it can be. The Triaging tools and Investigative Decision-Making Panel (IDMP) processes are also under review to ensure that we are using our finite resources to maximum effect.

SafeWork NSW recently developed Regulatory Priorities for 2023. The Regulatory Priorities are concise, evidence-based, and measurable statements of regulatory intent that support regulatory agility. They include strategic outcomes and high-level indicators which enable us to monitor the delivery and impact of our work, and report against it publicly.

As a regulator, SafeWork NSW has a cohort of 333 inspectors who are responsible for regulating more than one million businesses and over four million workers in NSW. Ensuring that every one of these workers returns home safely each day cannot be the role of the regulator alone. A strong safety culture must be embedded within each workplace, each duty holder, and each worker. Our risk-based regulatory approaches must be driving deep behavioural changes to eliminate WHS risk. NSW workers, businesses, social partners, and governments must all be working towards the same objective.

This Review provides a welcome opportunity for further improvement to SafeWork NSW as the state's workplace health and safety regulator. We look forward to the Review findings and recommendations.



Natasha Mann
Head of SafeWork NSW
Deputy Secretary, Better Regulation Division

28 February 2023

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1

Introduction

1.1 Introduction

SafeWork NSW is the work health and safety (WHS) regulator for all NSW workplaces, except for mining and petroleum sites which are regulated by the Resources Regulator.

SafeWork NSW provides a vital role in protecting the health and safety of workers in NSW.

SafeWork NSW is responsible for the administration of the:

- *Work Health and Safety Act 2011* (WHS Act)
- *Explosives Act 2003*
- *Dangerous Goods (Road and Rail Transport) Act 2008* (except parts, the Minister for Environment and Heritage)

SafeWork NSW inspectors also have certain powers relevant to compliance and enforcement under these Acts administered by the State Insurance Regulatory Authority:

- *Workers Compensation Act 1987* (except parts, the Minister for Finance); and
- *Workplace Injury Management and Workers Compensation Act 1998*.

1.1.1 SafeWork NSW Policy Framework

Harmonisation of WHS Laws

In July 2008, the then Council of Australian Governments (COAG) formally committed to the harmonisation of WHS legislation by signing the *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* (IGA). The IGA agreement was to make and implement:

- a model Act and Regulations
- model Codes of Practice
- a National Compliance and Enforcement Policy (NCEP); and
- an independent body, jointly funded by Commonwealth, state and territory governments to drive the model laws' development and implementation of Safe Work Australia.

Safe Work Australia (SWA) develops national policy relating to work health and safety and workers' compensation. SWA does not regulate WHS laws. The Commonwealth, states and territories regulate and enforce WHS laws and administer workers' compensation schemes in their respective jurisdictions.

The harmonisation of WHS laws has brought many benefits to businesses, employers, workers and unions through the creation of a nationally consistent and modernised legislative regime. For businesses this includes reduced complexity and red tape and for employers, greater certainty and a simplified system of legislation. Workers also benefit from the enhanced protection provided by modernised laws and rights that are easier to understand and apply.

The harmonised national model WHS laws have been enacted in each State and Territory, except Victoria. In NSW, the *Work Health and Safety Act 2011* and corresponding Regulation came into effect on 1 January 2012. Jurisdictional notes are in place against specific provisions in the model WHS laws that enable jurisdictions to insert or amend certain limited provisions without going through the national agreement process (explained further at 1.1.2 below).

The legislative framework imposes duties on workplace participants, such as requiring businesses to manage workplace risks, requiring they be eliminated, or otherwise minimised, through a risk assessment and use of control measures.

The framework confers a range of powers and functions on WHS regulators. Regulators are then guided by the NCEP in applying these powers and functions.

Work Health and Safety Act 2011 (WHS Act)

The WHS Act provides for the overarching duties, powers and functions of the regulator and inspectors. The main object of the Act is to *provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces by:*

- *securing the health and safety of workers and workplaces, such as by protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from specified types of substances or plant*
- *providing for fair and effective workplace representation, consultation, co-operation and issue resolution in relation to work health and safety*
- *encouraging unions and employer organisations to take a constructive role in promoting improvements in work health and safety practices, and assisting persons conducting businesses or undertakings and workers to achieve a healthier and safer working environment*
- *promoting the provision of advice, information, education and training in relation to work health and safety*
- *securing compliance with this Act through effective and appropriate compliance and enforcement measures*
- *ensuring appropriate scrutiny and review of actions taken by persons exercising powers and performing functions under this Act*
- *providing a framework for continuous improvement and progressively higher standards of work health and safety; and*
- *maintaining and strengthening the national harmonisation of laws relating to work health and safety and to facilitate a consistent national approach to work health and safety in this jurisdiction.*

Functions

SafeWork NSW's functions as a regulator are set out in Part 8, Division 1 of the WHS Act. These functions are to:

- *advise and make recommendations to the Minister and report on the operation and effectiveness of the WHS Act*
- *monitor and enforce compliance with the WHS Act*
- *provide advice and information on work health and safety to duty holders under WHS Act and to the community*
- *collect, analyse and publish statistics relating to work health and safety*
- *foster a co-operative, consultative relationship between duty holders and the persons to whom they owe duties and their representatives in relation to work health and safety matters*
- *promote and support education and training on matters relating to work health and safety*
- *engage in, promote and co-ordinate the sharing of information to achieve the object of the WHS Act including the sharing of information with a corresponding regulator*
- *conduct and defend proceedings under the WHS Act before a court or tribunal; and*
- *any other function conferred on the regulator by the Act.*

Work Health and Safety Regulation 2017 (WHS Regulation)

The WHS Regulation specifies how the duties set out in the WHS Act are met and related administrative requirements.

As the WHS Regulation is also part of a harmonised scheme, amendments are generally required to be agreed at the national level.

The *NSW Subordinate Legislation Act 1989* provides for the automatic repeal and remake of all regulations made under statute in NSW every five years (subject to exceptions).

Codes of Practice

Codes of Practice are admissible in court proceedings for an offence under the WHS Act as evidence of whether or not a duty or obligation under the WHS Act has been complied with. The court may have regard to a code as evidence of what is known about a hazard or risk, risk assessment or risk control to which the code relates and may be relied upon by the court to determine what is 'reasonably practicable' in the circumstances to which the Code relates. An inspector may refer to a Code when issuing an improvement or prohibition notice.

Model Codes of Practice are developed and updated via the national processes through the SWA Strategic Issues Group (SIG). This includes consultation between the Governments of the Commonwealth and each State and Territory, unions and employer organisations; and approval by the members of SWA.¹ The model Codes are then adopted by the States and Territories which are signatories to the IGA.

SafeWork NSW has the ability to develop separate Codes of Practice specific to our jurisdiction. This may occur for a number of reasons, such as where a model Code is not developed, or where particular NSW provisions are required to be referred to in an update to a Code. When developing a new Code of Practice, SafeWork NSW notifies SWA under the relevant consultation requirements in section 274 of the WHS Act. The responsible NSW Minister may approve a NSW Code of Practice and the Code takes effect when a notice is published in the Government Gazette (or such later date specified in the approval).

A list of the Codes of Practice in force are available on the SafeWork NSW [website](#).

Statutory Review of the WHS Act

Section 276B of the WHS Act required a statutory review to be conducted five years after the WHS Act commenced to determine whether the policy objectives of the WHS Act remained valid and whether the terms of the WHS Act remained appropriate for securing those objectives. The review commenced in 2016. Following a consultation stage, the review found that overall, the objectives of the WHS Act remain valid and its terms appropriate to secure those objectives.

The Review Report was tabled in the NSW Parliament on 20 June 2017. It contained 11 recommendations for legislative amendments. A public information campaign was conducted prior to commencement of related legislative amendments, most of which were finalised by March 2018 via the *Work Health and Safety Amendment Act 2018*.

1.1.2 Interaction with national bodies and other jurisdictions

Interactions with Safe Work Australia and other jurisdictions

SWA's functions are performed in accordance with its Corporate Plan and Operational Plan, which have been endorsed by Ministers with responsibility for WHS matters.

SWA works in partnership with WHS Regulators, employers' and workers' representatives to drive national policy development on WHS and workers compensation. This work is undertaken through a number of national WHS forums, namely the SWA Members and the SIG - WHS meeting, of which NSW is a member. These meetings are held on a quarterly basis.

The key functions of SWA are set out in the *Safe Work Australia Act 2008*.

SWA is comprised of the following members:

- an independent chair

¹ See section 274 of the WHS Act.

- members representing the Commonwealth and each state and territory (including NSW)
- two members representing the interests of workers
- two members representing the interests of employers; and
- the Chief Executive Officer of SWA (who does not participate in votes).

Ms Natasha Mann represents NSW as its SWA member. Ms Mann is the Deputy Secretary of the Better Regulation Division (BRD) in the NSW Department of Customer Service and participates in WHS forums in her capacity as the Head of SafeWork NSW. A list of the members of SWA is published [here](#).

Decisions about the model WHS legislation and Codes of Practice require a two thirds majority and a majority of the Members who represent the Commonwealth, States and Territories. Other matters are determined by a two-thirds majority vote.

Overview of the national WHS Meetings

- **WHS Ministers Meetings:** WHS Ministers meet at least once a year, and the Chair is the Australian WHS Minister (currently the Hon. Tony Burke MP, Minister for Employment and Workplace Relations).
- **Senior Officials Meeting (SOM):** SOMs are usually conducted quarterly to consult on key WHS issues. However, the SOM has met as required since the commencement of the COVID-19 pandemic, rather than the former quarterly cycle.
- **SWA Members meetings:** SWA members meet periodically to discuss and determine matters relating to WHS legislation or Codes of Practice.
- **Strategic Issues Group – WHS (SIG WHS):** meets quarterly. It provides technical and policy input to decisions that affect the strategic direction and collective priorities for SWA. Each SIG reflects SWA’s membership. The SIG WHS groups are:
 - Communication Reference Group
 - Mental Health Advisory Group
 - Evidence Reference Group (transitioning to an online forum).
- **Heads of Workplace Safety Authorities (HWSA):** HWSA comprises representatives from the WHS regulators across Australia and New Zealand. HWSA meets quarterly to promote and implement best practice in WHS in the areas of regulatory operational policy, education, and compliance and enforcement. There are several active HWSA working groups, Communities of Practice and information sharing groups.

1.1.3 SafeWork NSW history

SafeWork NSW was created on 1 September 2015 when the WorkCover Authority of NSW was abolished and replaced by three new entities: SafeWork NSW, the State Insurance Regulatory Authority (SIRA) and Insurance and Care NSW (icare). These changes were part of reforms designed to improve the workers compensation system for both employers and injured workers.

The change was introduced for a range of reasons including to:

- overhaul the governance of State Insurance and Care schemes and the way in which those schemes were serviced in NSW
- address industry concerns and the recommendations of a Statutory Review of Workers Compensation
- bring about more transparent and accountable operating structures
- lead to better outcomes for injured workers; and

- create new organisations that were more customer-centric, streamlined and efficient, able to build economies of scale and focus on clear objectives.

Following the changes, SafeWork NSW was placed in the NSW Department of Finance, Services and Innovation cluster.

In 2019, following Departmental changes, SafeWork NSW became part of the Better Regulation Division (BRD), within the NSW Department of Customer Service (DCS). BRD is comprised of a number of other regulators including Fair Trading NSW, the Office of the Registrar General, and Professional Standards Authority.

History of the NSW WHS Regulator

The WorkCover Authority of NSW was created in 1989 and included the NSW WHS Regulator. The table below provides a history of SafeWork NSW and its predecessor agencies.

1 July 1989	WorkCover Authority of NSW (WorkCover) was established as the first government agency to integrate injury prevention, rehabilitation and compensation into a single body. WorkCover’s Work Health and Safety Division was responsible for WHS regulation. Legislation: <i>Occupational Health and Safety Act 1983</i> then <i>Occupational Health and Safety Act 2000</i> and related regulation.
2009	WorkCover became part of the Compensation Authorities Staff Division (CASD) pursuant to the Public Sector Employment and Management (Department Amalgamations) Order 2009.
2012	WorkCover became part of the Safety Return to Work and Support Division (SRWSD) under the <i>Safety Return to Work and Support Board Act 2012</i> . Legislation: <i>Work Health and Safety Act 2011</i> and related regulation.
2014	SRWSD (including WorkCover) became Safety Return to Work and Support and formed part of the Office of Finance and Services within the Treasury and Finance Cluster.
2015	The Office of Finance and Services became the Department of Finance Services and Innovation.
1 September 2015	WorkCover was abolished and its WHS Division became ‘SafeWork NSW’ under the <i>State Insurance and Care Governance Act 2015</i> . The Department of Finance Services and Innovation Secretary became the legislated WHS Regulator and SafeWork NSW became part of BRD.
2019	The Department of Finance Services and Innovation became DCS and SafeWork NSW became part of the DCS BRD. In accordance with the change of Department title, the DCS Secretary became the legislated WHS Regulator.

Figure 1: History of NSW WHS Regulator

SafeWork NSW Funding

SafeWork NSW is funded from the Workers Compensation Operational Fund (WCOF), administered by SIRA and established under section 34 of the *Workplace Injury Management and Workers Compensation Act 1998* (1998 Act). Section 35(2)(b) of that Act provides for the payment from the Fund of the remuneration, allowances, office accommodation and other associated costs of SafeWork NSW.

Each year, under Section 35(1)(a1) of the 1998 Act, the Minister with portfolio responsibility approves the payment of amounts from the Workers Compensation Insurance Fund to the WCOF having regard to the budget of SafeWork NSW (among other matters).

In May 2020, SafeWork NSW provided SIRA with its budget estimates for the forward 10 years and these amounts are used for inclusion in a submission to the Minister for the estimated WCOF funding required each year. The WCOF funding was determined after taking into consideration other income sources and expenditure budgets. Should SafeWork NSW require additional funding a further submission is required to be provided to SIRA.

Each financial year the annual amount is paid to SafeWork NSW in 12 equal monthly instalments or as advised by SafeWork NSW at the beginning of each financial year. SafeWork NSW funds are restricted funds to be used for SafeWork NSW activities only.

1.1.4 Overview of the Department of Customer Service and the Better Regulation Division

SafeWork NSW staff, budget and functions sit within BRD in DCS.

BRD delivers regulatory leadership and activities to innovate, protect and regulate for fair, secure and efficient markets. As a group of several regulators and agencies, BRD works to reduce detrimental impacts to workers, consumers and the broader community; while reducing regulatory burdens, complexity and costs to make it easy to start and stay in business in NSW.

BRD develop and implement NSW's regulations for consumer protection, building and construction, real estate and property, automotive trade, registered organisations and charities, WHS, mining subsidence, professional standards, the land title system, and long service payments for building construction and cleaning contractors. Collectively, we seek to improve regulation and simplify service delivery to make it easier for businesses to comply with laws and improve customer outcomes.

BRD is made up of several regulators and agencies as follows:

- SafeWork NSW
- NSW Fair Trading
- Subsidence Advisory NSW
- Office of the Registrar General
- Professional Standards Authority; and
- Long Service Corporation.

Our vision for BRD is to be Australia's most trusted and customer centric regulators, and our purpose is to make NSW safer, fairer and more productive for consumers, workers and businesses.

BRD operates within a collaborative regulatory model with a number of functional streams. Within BRD, some staff work for just one regulator, but some may work across a number of BRD regulators providing specialist services under a cost recovery model.

Under the BRD structure, SafeWork NSW's functions are distributed across the functional streams that are accountable for the delivery of specific services across regulators. Our SafeWork NSW Inspectors and their teams have clearly defined roles within the structure.

A high-level BRD organisational chart is provided below.

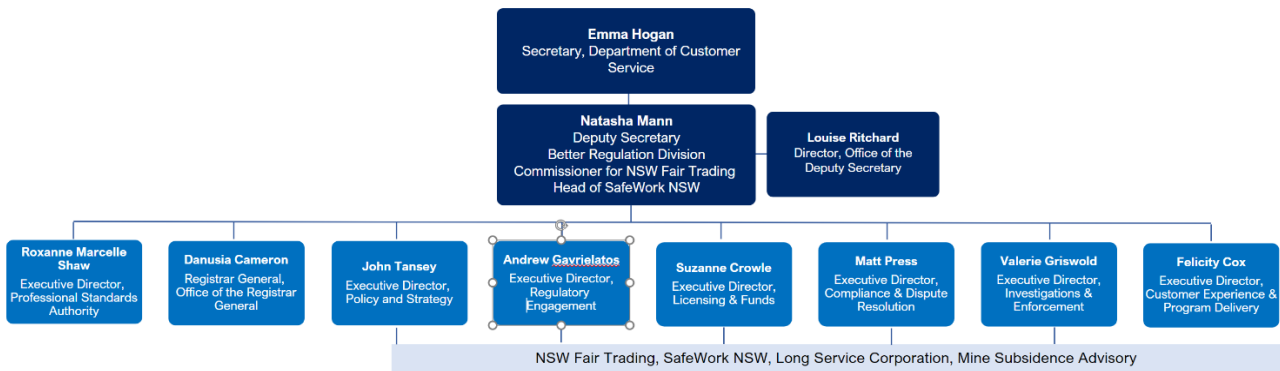


Figure 2: BRD High Level Organisation Chart

Appendix 1: provides a more detailed organisational chart for BRD.

Appendix 2: SafeWork NSW Executive biographies.

1.1.5 The Strategic Framework – what drives our work

Our SafeWork NSW strategies are hierarchical and set at a national level, SafeWork NSW level, and program level. The strategies have been established with targets and metrics and are the subject of reporting and evaluation as summarised below.

SafeWork Australia Strategy

SafeWork NSW adopts the national SWA strategies (see 1.1.2 above for more information on SWA).

The national SWA strategy provides an overarching framework setting the high-level context under which jurisdictional strategies and plans can align and operate, with reference to local needs and priorities.

The SWA ‘Australian Work Health and Safety Strategy 2023–2033’ was launched in February 2023 with a commitment to the vision of ‘Safe and healthy work for all’ and the goal of reduced worker fatalities, injuries and illnesses. The Strategy’s targets are set out below:

- a) Reduce
 - worker fatalities caused by traumatic injuries by 30%
 - the frequency rate of serious claims resulting in one or more weeks off work by 20%
 - the frequency rate of claims resulting in permanent impairment by 15%
 - the overall incidence of work-related injury or illness among workers to below 3.5%; and
 - the frequency rate of work-related respiratory disease by 20%.
- b) No new cases of accelerated silicosis by 2033.
- c) Action to:
 - increase the awareness of persons conducting a business or undertaking (PCBU) about their duties to protect workers from exposure to harmful substances and take appropriate enforcement where there is failure to meet those duties; and
 - build the capability of PCBUs, regulators and workers to ensure compliance with the duty to manage psychosocial hazards at work.

SafeWork NSW Performance KPIs

In 2023, SafeWork NSW is looking at developing key performance indicators to monitor the delivery of our functions under section 152 of the WHS Act and how we as a regulator are contributing to the overall objectives of the WHS Act. This aims to strengthen oversight and accountability of SafeWork NSW. We are committed to publicly sharing the results of the key performance indicators annually in order to provide the community with a clear picture of how the agency is discharging its accountabilities as the regulator for WHS in NSW.

SafeWork NSW Regulatory Priorities

Until the start of 2023, SafeWork NSW's direction, purpose and our performance was measured against the [Work Health and Safety Roadmap for NSW 2022](#) (Roadmap), a six-year strategy aligned to the SWA 'Australian Work Health and Safety Strategy 2012-2022'.

The Roadmap was underpinned by functional and team- based delivery and operational action plans set up to drive the Roadmap outcomes.

In April 2020, a [Midterm Evaluation of the Health and Safety Roadmap for NSW](#) was conducted to examine the extent to which Roadmap short term outcomes for PCBUs and workers had been achieved. The evaluation showed there were areas where SafeWork NSW was excelling and areas of opportunity, with an identified gap in the availability of data and measurement.

An external provider has been engaged to undertake an independent review of the Roadmap.

In late 2022, a decision was made not to create a further long-term strategy given the limitations identified by SafeWork NSW under the Roadmap and to move to a more agile strategy for a 12-month period that sat alongside our new SafeWork NSW key performance indicators (the 2023 SafeWork NSW Regulatory Priorities – see below).

SafeWork NSW Strategy for 2023

The [2023 SafeWork NSW Regulatory Priorities](#) were based on data and trends, feedback from across our SafeWork NSW teams, and consultation with key industry stakeholders. We selected the Regulatory Priorities based on the following factors:

- potential for serious harm or death
- new or emerging issues; and
- increases in frequency of an issue.

For each priority, we will focus our actions to deliver on three strategic outcomes:

- workers understand their rights and responsibilities
- employers ensure that work is healthy and safe, with no advantage for cutting corners; and
- regulation is efficient and fair.

Our Regulatory Priorities for 2023 are:

SafeWork NSW Regulatory Priorities 2023	
Gig economy	Increase safety and WHS compliance in the gig economy sector, particularly food delivery riders and health care.
Safety around moving plant	Reduce workplace safety incident related to moving plant, particularly forklifts.
Seasonal workplaces	Increase WHS compliance to support itinerant workers, particularly in the agricultural sector and those working with amusement devices.

Psychological safety	Reduce the prevalence of psychological injury at workplaces, with a focus on mental health and wellbeing.
Respect at work	Reduce the incidence of bullying, sexual harassment, and customer aggression in the workplace, particularly in male dominated sectors and healthcare.
Exposure to harmful substances	Reduce the incidence of worker exposure to dangerous substances in the workplace, particularly silica and dangerous chemicals.
Falls	Reduce the incidence of falls from heights with a particular focus on construction.

Figure 3: 2023 SafeWork NSW Regulatory Priorities

Reaching the strategic outcomes will take more than a year. Over time, we will measure our progress using high-level indicators, including:

- employer understanding of their work health and safety rights and responsibilities
- worker understanding of their rights and responsibilities
- satisfaction and trust in SafeWork NSW as a regulator
- reduced serious incidents and deaths at NSW workplaces; and
- reduced employer non-compliance in targeted areas.

SafeWork NSW has proposed a baseline and measurements to monitor our performance against each of the regulatory priorities with reporting quarterly to the SafeWork Leadership team and public reporting annually.

Harm based strategies

Sitting underneath our SafeWork NSW strategies are a range of harm-based strategies with purpose-built delivery plans. For example, we have a Mentally Healthy Workplaces Strategy with a vision for NSW employers, leaders and workers to take effective action to create mentally healthy workplaces.

2

TOR 1: Compliance and enforcement approach

2.1 SafeWork NSW’s approach to compliance and enforcement

SafeWork NSW promotes and encourages WHS compliance through a range of methods including through proactively or reactively inspecting workplaces to advise on and enforce WHS laws.

In NSW, there are more than one million businesses and over four million workers.² As such, we need to be strategic in our approach to compliance and enforcement with the finite resources we have available to us.

SafeWork NSW’s approach to WHS regulation is guided by the SWA ‘National Compliance and Enforcement Policy’ (NCEP). All Australian WHS Regulators are signatories to the NCEP with some regulators adopting NCEP in full (including SafeWork NSW), while others have incorporated elements of the NCEP into their own compliance and enforcement policies.

2.1.1 National Compliance and Enforcement Policy (NCEP)

The NCEP sets out the principles endorsed by the Workplace Relations Ministers’ Council that underpin the approach WHS regulators will take to monitoring and enforcing compliance with the model WHS Act and Regulations.³

The NCEP operates alongside other nationally agreed policies and procedures governing the use of specific regulatory tools or policies as well as local SafeWork NSW policies, procedures and guidelines regarding compliance and enforcement activity.

The NCEP promotes a nationally consistent approach to compliance and enforcement of WHS laws. It provides a framework for Regulators to use an effective mix of positive motivators, compliance monitoring and deterrents to encourage and secure the highest possible levels of compliance with WHS laws. In doing so, there is a need to balance a number of considerations, including:

- the community’s expectation that PCBUs will be monitored and held accountable if they fail to comply with work health and safety laws
- the need to support workplace parties and stakeholder bodies to build capability to achieve compliance with work health and safety laws; and
- the need to work with industry, workplace parties and stakeholders to continue to promote innovation and continuous improvements in health and safety standards.

The NCEP sets policy principles that guide the approach to monitoring and enforcing WHS laws. These principles are summarised in the table below:

Principle	Description
Consistency	Regulators try to ensure similar circumstances at workplaces lead to taking similar approaches, providing greater protection and certainty in workplace and industry.
Constructiveness	Regulators support, advise and guide on compliance with WHS laws and build capability.
Transparency	Regulators show impartiality, balance and integrity.

² See: <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/latest-release#states-and-territories>

³ Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety made on 3 July 2008.

Accountability	Regulators are willing to explain their decisions and provide ways to make a complaint or appeal a decision.
Proportionality	Compliance and enforcement responses equal the seriousness of the conduct.
Responsiveness	Compliance and enforcement measures respond to the particular circumstances of the duty holder or workplace.
Targeted	Activities focus on those areas, which are assessed highest risk to health and safety.

Figure 4: NCEP Policy Principles

The NCEP provides WHS regulators with a model of how to use their compliance and enforcement tools in accordance with these principles, while recognising the need to balance various considerations (as set out above) and the limited resources of regulators when compared to the volume of workers and workplaces in each jurisdiction.

As part of this balancing exercise, NCEP provides a structured framework for:

A) Prioritisation of reports and incidents

The NCEP also helps WHS Regulators determine which complaints or reports to investigate or prioritise, depending on factors including:

- the potential for harm
- how seriously it might breach the law
- how relevant the event is, including matters of significant concern to the community; and
- the duty holder’s compliance history.

The NCEP takes this further by detailing the different types of enforcement actions the regulator may take and identifying priority areas for action, including:

- work-related fatalities (or where there is a risk of them happening)
- serious injuries (or where there is a risk of them happening)
- offences against health and safety representatives (HSRs); and
- matters relating to entry permit holders and discrimination against workers.

B) Consistent and proportionate use of compliance and enforcement tools

Under the WHS laws there are a range of measures available to safety regulators to compel duty holders in relation to contraventions of the WHS laws, and to sanction contraventions. These measures may be used alone or in combination. The following diagram represents, in the general sense, the relative volume or proportionate use of these tools and the ability to escalate if an initial intervention does not achieve the desired outcome.

The NCEP uses a pyramid diagram to explain how the compliance and enforcement tools fit together and are used proportionately to the potential harm and breach.

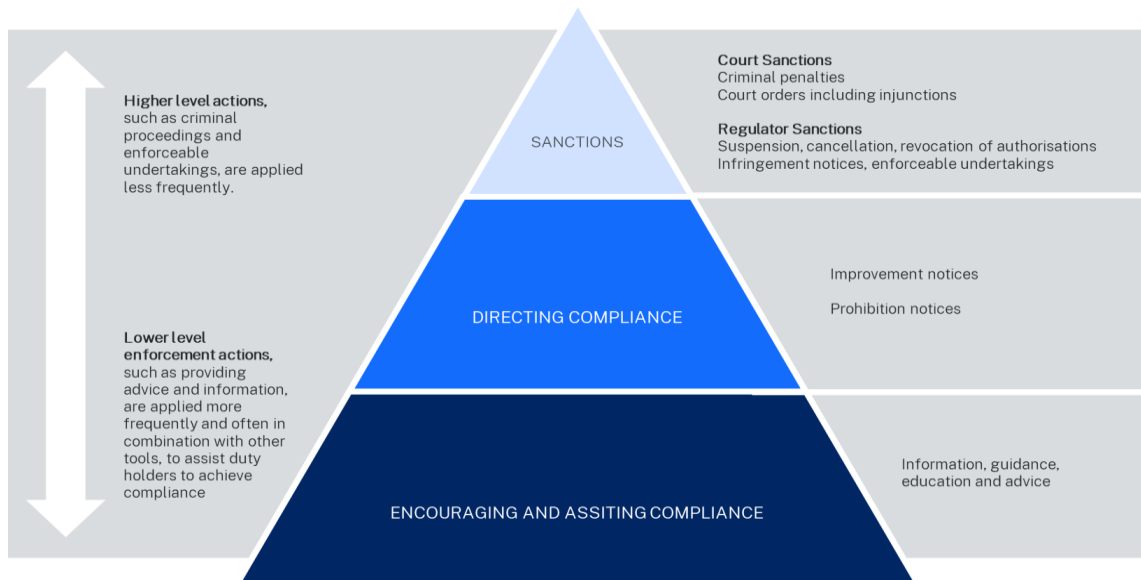


Figure 5: NCEP compliance and enforcement tools pyramid

The lowest level of the NCEP compliance and enforcement tools pyramid involves an approach used to assist duty holders achieve compliance, often in combination with other tools. Sanctions (such as criminal penalties) are at the top of the pyramid and are applied less frequently.

While this is a guide, this does not mean that SafeWork NSW will always commence with provision of information and advice, and only use other tools in an escalated manner. SafeWork NSW will use tools that are most appropriate in the particular circumstances, proportionate to risk. Some tools are alternatives while others may be used in combination.

2.1.2 SafeWork NSW adoption of the NCEP

SafeWork NSW has adopted the NCEP, and uses a mix of positive motivators, guidance, compliance monitoring and deterrents to encourage and secure the highest possible levels of compliance with WHS laws.

We make informed decisions based on evidence and continually build insights to help us work smarter and deliver the best possible outcomes. We use data and business intelligence for targeted prevention and intervention. We regularly evaluate our performance with a view to continually improving what we do and how we do it. This also ensures we avoid adding unnecessary burden to business and that our actions are focused on reducing the greatest harms.

SafeWork NSW provides information to explain to the NSW community how we regulate. This includes information about our functions, services, and how we enforce our powers. This is provided on the website in the [‘Our approach to Work Health and Safety Regulation’](#), and includes how we apply our compliance and enforcement approach demonstrated through a number of case studies.

2.2 SafeWork NSW inspectors

SafeWork NSW currently has 333 inspectors employed within the classifications of the *Crown Employees (Department of Customer Service - SafeWork NSW Inspectors 2007) Reviewed Award*.⁴ This includes SafeWork Inspectors in the following graded positions: Assistant State Inspector, State Inspector, Senior Inspector, Principal Inspector, and Manager (collectively referred to as Inspectors or SafeWork NSW Inspectors).⁵

⁴ Data provided as at 19 January 2023.

⁵ In our structure, we do have some specialist roles with deviations to the inspector title. However, their grade classification is under the *Crown Employees (Department of Customer Service - SafeWork NSW Inspectors 2007) Reviewed Award*.

Our SafeWork NSW Inspectors are based in a range of locations across metropolitan and regional areas. We also have Inspectors with areas of focus or specialisation including building and construction, health and safe design, chemicals, explosives, and safety auditing.

SafeWork NSW Inspectors carry out compliance and enforcement functions using their powers set out under the WHS Act. These functions include:

- responding to Requests for Service (RFS), complaints, requests for advice, and/or workplace incidents
- providing information and advice on the requirements of WHS or workers compensation laws
- explaining the range of SafeWork products and services available to businesses
- providing practical advice on how to eliminate or reduce the risk of injury and illness
- investigating and/or verifying compliance with legislative obligations; and
- issuing notices or other instructions to secure compliance with legislation.

In carrying out their duties, Inspectors may request the assistance of the NSW Police, or other technical or scientific experts.

In addition to their roles, as described above, SafeWork Inspectors contribute to a range of activities across SafeWork NSW including policy development, Codes of Practice, engagement tools for workplaces, and national forums and specialist bodies.

2.3 SafeWork NSW compliance and enforcement processes

SafeWork NSW undertakes both proactive and reactive compliance operations. Compliance activities may include inspections, audits and other verification activities with the aim of enhancing WHS management practices and achieving sustainable compliance with WHS laws.

In the 2021/2022 financial year, SafeWork NSW undertook 58,242 compliance and enforcement-based interventions or activities. Approximately 40% of these activities were reactive compliance, that is in response to a RFS, request for advice, incident notification or complaint about workplace health and safety. The remaining 60% of our compliance activity was proactive. This is compliance activity based on:

- our strategic priorities
- data and insights on high-risk harms, industries or businesses as well as new or emerging risks; and
- targeted programs focused on reducing the greatest harms.

2.3.1 Reactive Compliance Processes

SafeWork NSW receives information from workers, PCBUs, industry associations and other members of the community raising concerns about WHS. All reported concerns are treated seriously and assessed by SafeWork NSW staff in accordance with set triage processes.

At a high-level, SafeWork NSW categorises all matters received into two types: Notifiable Incidents and RFS.

Notifiable Incidents

There are a range of requirements on PCBUs set out under the WHS laws including the notification of particular incidents.⁶

⁶ See Part 3 Incident Notification set out in sections 35 to 39 of the WHS Act.

A PCBU is required to notify SafeWork NSW immediately after becoming aware that a notifiable incident arising out of the conduct of the PCBU has occurred. A notifiable incident includes:

- the death of a person
- a serious injury or illness of a person
- a dangerous incident.⁷

SafeWork NSW has information available on its [website](#) to assist PCBUs to determine how and when to report an incident. We also have a [Customer Service Standard](#) that explains what to expect when notifying a WHS incident.

All notifiable incidents are raised to the SafeWork NSW hotline 13 10 50 which is managed by SafeWork NSW staff 24 hours a day, 7 days a week. All incident notifications are managed on the hotline by a SafeWork NSW Inspector in real time. This is to ensure that the assessment of the incident is rapid and decisions on whether an Inspector response is required can be made to ensure incident sites are appropriately preserved (or released) for SafeWork NSW to commence an investigation.

Our SafeWork NSW staff assess each incident notification in accordance with our triage process (see below at [Triage Process](#)).

In 2021-2022 financial year, SafeWork NSW received 32,302 incident notifications. The significant increase in notifications in this period can be attributed to Public Health Orders and the requirement under those Orders for PCBUs to notify SafeWork NSW of COVID-19 infections in staff. It is expected that incident notifications will decrease accordingly now that Public Health Orders have been lifted.

The figure below outlines the total number of incident notifications made to SafeWork NSW over the last five years:

Financial Year	Workplace Notifiable Incidents - Including pollution and COVID notifications
2017/2018	7,125
2018/2019	8,093
2019/2020	8,742
2020/2021	8,738
2021/2022	32,302

Figure 6: Total Number of Incidents reported to SafeWork NSW

Requests for Service

SafeWork NSW receives a range of reports, concerns, and complaints relating to work health and safety practices that are not a notifiable incident. These are collectively referred to as a 'Request for Service' (RFS).

A RFS can be received through a number of different reporting channels including by phone, email, letter, the *Speak-Up Save Lives* App and psychosocial form submission. Reports may also be referred to SafeWork NSW from other agencies, law enforcement or through Ministerial enquiry.

To action a RFS, we ask for information that enables us to:

⁷ See section 36 of the WHS Act 'What is a "serious injury or illness", section 37 of the WHS Act 'What is a "dangerous incident' for further information.

- find the address of the workplace and the location within that workplace where the work health and safety issues are occurring
- identify the exact nature of the work health and safety issues/concerns (e.g., working at heights or plant safety risks)
- identify the name and address of the organisation or individual in control of the workplace; and
- any other information that will assist SafeWork NSW to respond appropriately to the WHS concern.

There are anonymous reporting channels available, and our Inspectors and broader SafeWork NSW staff will not reveal the source of the request to the workplace parties involved unless consent has been provided.

Our SafeWork NSW website contains information on raising a work health and safety concern and a 'Customer Service Standard for Raising a work health and safety concern'. These outline the process SafeWork NSW follow when responding to concerns, what is expected from us, and how anyone raising a concern can help.

Each RFS received during business hours is triaged in accordance with our processes within two hours of receipt.

Outside of business hours our Duty Inspectors monitor incoming RFS to ensure any urgent matters are identified and actioned. Otherwise, these matters are triaged on the next business day.

In 2021-2022 financial year, SafeWork NSW received 12,407 RFS. The figure below outlines the total number of RFS made to SafeWork NSW over the last five years:

Financial Year	Total Requests for Service
2017/2018	10,163
2018/2019	10,022
2019/2020	11,636
2020/2021	12,595
2021/2022	12,407

Figure 7: Total Number of Requests for Service

Triage Process

SafeWork NSW's triage and management of Notifiable Incidents and RFS is guided by the Heads of Workplace Safety Authorities 'Framework for a common approach to WHS regulator event triaging' (Triage Framework).

The Triage Framework was adopted in 2012 by SafeWork NSW's predecessor agency, WorkCover Authority of NSW as part of SafeWork NSW's commitment to the harmonised WHS laws. The Triage Framework has been embedded into SafeWork NSW's recording and workflow system. The Framework is underpinned by SafeWork NSW specific procedures and processes.

Our specialist SafeWork NSW Advisory Team and Inspectors triage each Notifiable Incident and RFS against a set criteria of five categories of response.

The five categories are outlined below:

Category	Type	Example Incident Notification	Example Request for Service	Response time
1	Critical	Work related fatality Serious risk to life or permanent injury	Imminent risk of death – activity continuing	Inspector attendance within 24 hours
2	High	Serious injury or illness not immediate risk to life Dangerous incident exposing persons to serious risk (incident site preservation requirements to be considered in response time)	Risk of serious injury or illness e.g., working at heights, exposure to asbestos fibres Non-compliance with prohibited activity No workers compensation Potential significant community escalation concern	First action/ attendance by Inspector within 72hrs
3	Medium	Incident requiring further information or preliminary enquiries to establish circumstances	Does not meet criteria for 1 or 2 but response required due to one of the following: <ul style="list-style-type: none"> PCBU compliance history potential serious contravention prior Administrative Response (Category 4) where risk has not been remedied worker discrimination due to WHS activities impersonating inspector confirmed bullying poor injury management practices worker compensation under insurance failure to notify 	First action within 5 days
4	Administrative Response	Event within SafeWork NSW jurisdiction but does not meet the criteria for Category 1, 2 or 3	Nil	No set timeframes, with the aim to send a letter within 3 days and to flag 20% of events for

				a verification visit
5	Insufficient information	Insufficient details to triage and reasonable attempts made to gain further information.	Nil	Not Applicable.

Figure 8: SafeWork NSW categories arising from triage process

Appendix 3: provides a summary of the categorisation of Workplace Incident notifications by year.

Appendix 4: provides a summary of the categorisation of RFS by year.

The assessment of each RFS and Incident Notification against the triage criteria results in one of the above categories being assigned to that matter. Based on the category the matter is referred for particular action. The types of action taken by SafeWork NSW are summarised below:

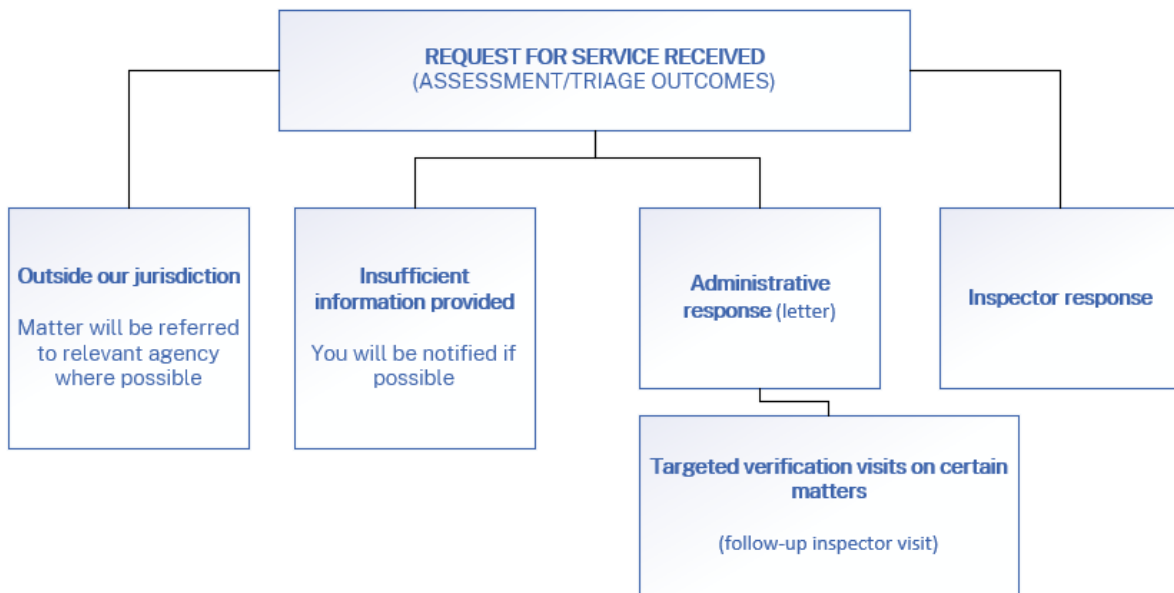


Figure 9: Outcomes based on the triage process

Appendix 5: provides a breakdown of the actions taken following the triaging of a notifiable incident, broken down by year.

As part of the Triage Process, SafeWork NSW has a procedure in place to identify and refer any WHS matters about DCS to the NSW Resources Regulator. The Secretary of the DCS and the Secretary of the Department of Regional NSW have agreed to mutual referral of WHS matters in situations where the role of either as a WHS regulator in New South Wales may be in actual or perceived conflict with its role as a PCBU. For more information see [4.1.1 Culture and Governance](#).

Inspector Response

SafeWork NSW Inspectors are allocated matters from the triage process that require an Inspector Response. These can be critical, high or medium or where a verification visit has been allocated from a category 4 administrative response matter.

A SafeWork NSW Inspector assesses the matter based on their training, procedures, and various templates to determine the appropriate action. This could include a site inspection, desktop review, requests for information or other enquiries.

For an onsite visit, an Inspector may:

- provide information and advice on the requirements of WHS or workers compensation law
- explain the range of SafeWork products and services available to the business
- provide practical advice on how to eliminate or reduce the risk of injury and illness
- investigate and/or verify compliance with legislative obligations,
- issue notices or other instructions to secure compliance with legislation.

Inspections may be conducted in the company of a worker, manager or HSR from the business.

Depending on the matter, Inspectors may also initiate and conduct investigations to identify causes of incidents, injuries and illnesses. An Investigation Notice (using relevant powers under the WHS Act) may be issued to secure an incident scene, seize evidence, require documents to be provided, and/or answer questions in writing.

The Inspector may talk to a range of people, gathering as much information as possible about the workplace to provide relevant advice and take the most appropriate action to reduce the potential for harm.

Notices

As part of the Inspector Response various notices can be issued using the Inspectors powers under the WHS Act.

Under the WHS Act, only a SafeWork NSW Inspector has the power to issue notices. Our Inspectors can issue notices where the Inspector personally forms the 'reasonable belief' as to the matters required under the relevant sections of the WHS Act. If the Inspector does not personally form the reasonable belief, the Inspector does not issue a notice. An Inspector cannot be directed to issue notices.

There are various types of notices including:

- **Improvement Notice:** *If an inspector reasonably believes that a person is contravening a provision of the WHS Act or has contravened a provision in circumstances that make it likely that the contravention will continue or be repeated, the inspector may issue an improvement notice.*
- **Prohibition Notice:** *If an inspector reasonably believes that an activity is occurring at a workplace that involves or will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard, or an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard, the inspector may give a direction to the person who has control over the activity. The direction may be given orally but must be confirmed by written notice.*
- **Non-disturbance Notice:** *If an inspector reasonably believes that it is necessary to do so to facilitate the exercise of his or her compliance powers, they may issue a non-disturbance notice to the person with management or control of a workplace. The notice may require the person to preserve the site at which a notifiable incident has occurred for a specified period or prevent the disturbance of a particular site (including operation of plant) in other circumstances for a specified period that is reasonable in the circumstances.*

There are a range of other notices including notices requiring the provision of documents or information, or for persons to attend an interview. There is also the ability to issue Penalty Notices in respect of some limited sections of the WHS Act.

The table below summarises the volumes of notices issued by SafeWork NSW Inspectors by type:

Period	Improvement Notices Issued	Penalty Notices Issued	Prohibition Notices Issued	Explosive Notices issued	Section 155 Notices Issued	Section 171 Notices Issued
FY 2017 - 2018	9,171	323	1,805	58	1,250	512
FY 2018 – 2019	10,088	619	1,905	42	1,528	697
FY 2019 – 2020	9,154	540	2,149	35	1,754	641
FY 2020 – 2021	9,971	519	2,358	36	2,012	530
FY 2021 – 2022	8,077	538	2,213	66	1,991	474

Figure 10: Notices issued by SafeWork NSW Inspectors

Note: Figure 10 above does not include all notice types and includes notices issued for both reactive and proactive compliance activity.

The number of enforcement notices issued has generally decreased in recent years despite there being more SafeWork NSW Inspectors undertaking compliance activity.

What has been described as a ‘nervousness’ amongst the SafeWork NSW Inspectorate when issuing notices has come about since the NSW Ombudsman ‘Investigation into actions taken by SafeWork NSW Inspectors in relation to Blue Mountains City Council workplaces’ dated 21 August 2020. In this review, the NSW Ombudsman found that certain SafeWork NSW notices issued to the Blue Mountains City Council were issued unlawfully as the Inspector who issued the notices did not personally have the ‘reasonable belief’ that was required in accordance with ss 191 and 195 of the WHS Act and acted on the direction of a SafeWork NSW leader to issue the notices. The Ombudsman made a range of recommendations that were adopted and implemented by SafeWork NSW. This may have unfortunately, had the effect of making our Inspectors less comfortable issuing notices and using their powers.

Over the last six years, a concerted effort has seen the introduction of new penalty notice provisions, giving SafeWork NSW Inspectors new possibilities to secure compliance.

Inspectors may also issue a penalty notice for specific offences. Penalty notices can provide an immediate deterrent and prompt a behavioural change of a PCBU or individual. The issuing of penalty notices also provides a clear message that there are consequences for non-compliance with the WHS requirements and exposing workers to risks of injury or death. They are especially effective in circumstances where the contravention may not necessarily warrant a prosecution. Penalty notices do not remedy a specific contravention, like an improvement or prohibition notice does, but utilise the compliance pyramid in the NCEP to issue a monetary sanction to a person or PCBU for the specific offence.

SafeWork NSW has developed procedures that provide specific guidance on the decision-making framework and evidentiary requirements for issuing compliance and penalty notices. Despite this, we acknowledge a reluctance by Inspectors to issue penalty notices, largely steering toward improvement notices, or prohibition notices in more imminent situations.



Figure 11: Penalty Notices issued by Inspectors

SafeWork NSW has identified strategies to increase inspectors' consideration of penalty notices as a tool to secure compliance. Without inhibiting the exercise of discretion, SafeWork NSW are establishing a framework which is complemented by inspector development training. This framework will assist Inspectors in better understanding what aggravating factors should trigger the issuing of a penalty notice or even warrant a risk-based prosecution. This matrix approach will assist with providing guidance to Inspectors whilst further promoting consistency across the agency.

SafeWork NSW continues to look for opportunities to incorporate further penalty notices into the WHS Regulation. On 14 October 2022, new penalty notices were introduced enabling penalty notices to be issued for electrical work and asbestos offences in the WHS Regulation. We are currently working across our policy and operational teams to identify further opportunities to increase the penalty notices within the WHS Regulation. This work is continuing as part of the remake of the WHS Regulation, which is due to be remade by 1 September 2023.

Inspector responses may lead to further compliance and enforcement activity. Section [2.4 Investigations](#) and [2.5 Prosecutions](#) provide more detail.

Verification of Licenses, Policies and Authorisations

As part of an Inspector response, various licenses, authorisations and policies can be inspected to ensure that they are up to date. For example, between May 2021 to February 2023, SafeWork NSW Inspectors have conducted over 6,900 field-based Workers Compensation Policy Verifications which have led to at least 325 referrals being made to SIRA for matters of under-insurance or failure to hold insurance. These referrals have resulted in the identification of over \$77,125,195 in wages not declared to icare and over \$2,837,000 in additional policy charges.

Administrative Response

An 'Administrative Response', in most instances will result in SafeWork NSW corresponding in writing or by phone call with the relevant person conducting a business or undertaking to which the report was made.

The Administrative Response is utilised where a notified event (workplace incident or Request for Service) does not meet the necessary criteria requiring an inspector first response.

The Administrative Response will generally draw to the attention of the person conducting a business or undertaking the nature of the concern raised, the obligations on the person conducting the business or undertaking, recommendations of action to be taken and notice that a SafeWork NSW compliance visit to the work site may occur.

Administrative Response Verification Activity

This is a proactive engagement with a PCBU that has been previously sent an Administrative Response in relation to a WHS incident or RFS raised with SafeWork NSW. The focus of the engagement is to confirm if the person conducting a business or undertaking received the Administrative Response from SafeWork NSW and what reasonable steps were taken to investigate the incident or resolve the WHS concerns identified.

2.3.2 Proactive Compliance

SafeWork NSW undertakes a range of proactive compliance activities. This is to make the most efficient and effective use of our resources on high risk or emerging harms. The majority of our proactive compliance is based on targeted intervention programs. These are programs identified and initiated from a range of sources including:

- SWA or SafeWork NSW strategies such as the SafeWork NSW Regulatory Priorities for 2023
- high injury and/ or incidence rates from NSW workers compensation data
- WHS priorities and international trends
- SafeWork NSW data and insights including RFS trends for particular harms, industries or geographic locations
- natural disaster or emergency response (such as to the COVID-19 pandemic); and
- recommendations from parliamentary or coronial inquiries.

Once a target compliance program is identified, the design of a compliance program is customised to achieve the planned outcomes for the program. Program design considerations include how workplaces will be selected, how the compliance campaign will be set up, and identifying the data to prioritise inspections.

Where possible, we re-use a program design methodology for planned programs to ensure efficiency. This is common in industries such as construction, where it's suitable to use the same approach for the same customer group on different harm programs.

The design of programs is influenced by a number of factors including the purpose of the program and any constraints such as time sensitivity, budget availability, resource availability, shared services to support delivery of the program, such as communications, and information technology.

Proactive compliance programs generally have a range of engagement activities including:

- education activities, including the provision of related guidance material
- a non-field response that may include:
 - desktop audits including licence assessments and verification
 - phone calls or emails that provide related guidance material and or advice
- field response that may include:
 - an onsite inspection program
 - providing guidance material and related advice to PCBUs
- advice and direction to the PCBU on what corrective actions need to occur; and
- where appropriate, issuing notices, including but not limited to Improvement, Prohibition or Penalty Notices or notices requiring production of documentation.

Compliance programs are evaluated for impact and benefit and so that lessons learned can be shared.

Some examples of proactive compliance programs are provided below.

Example program - Falls from heights in the construction industry

Falls from heights is the most common cause of traumatic fatalities on NSW construction sites. Sadly, this statistic is echoed throughout Australia and the rest of the world.

NSW and national workers compensation data indicates that the greatest number of falls from heights claims continue to be in the construction industry, with almost three times more claims related to major injuries than the next industry (NSW manufacturing and agriculture nationally).

SafeWork NSW incident data indicates that most serious and fatal falls are from a height of less than 4 metres – which is generally a single storey or less. As at April 2022, approximately 22% of SafeWork NSW investigations related to fall incidents in the construction industry.

Considering the significance of data on this topic, SafeWork NSW has had a falls from heights targeted compliance program since 2017. This program includes:

- targeted working at heights safety in construction through its [Building and Construction Work Health and Safety \(WHS\) Sector Plan to 2022](#), and [Towards Zero – Falls from heights program](#)
- annual “ScaffSafe” compliance blitzes
- the introduction of “on-the-spot” fines (penalty notices) for falls and scaffolding
- commissioning in-depth independent research to better understand falls from heights
- delivered advertising campaigns to increase awareness and change behaviour; and
- sought industry feedback on options to enhance the regulatory framework, including most recently through the 2022 Building and Construction Safety Symposium and Regional Roadshow events.

Compliance activity

SafeWork NSW has been conducting annual fall from heights construction blitzes, ScaffSafe verification programs, and Solar Panel Installation visits, with insights and observations informing each release.

[Appendix 6](#): contains a summary of the compliance activities under this program.

Data extracted from the 2021 Work at Heights in Construction blitz and media campaign indicated:

- 16% of sites did not have written confirmation that the construction of the scaffold was complete, such as no handover or inspection certificate or scaffolding tag
- 18% of sites did not have safe work method statements (SWMS) available for work at heights (above 2 metres)
- 21% of the sites with a SWMS in place, did not follow the safe work methods for work at heights (above 2 metres); and
- 12% of sites did not consult workers for work at height risks.

SafeWork NSW ran a targeted paid advertising campaign on Falls from Heights most recently broadcast in March and April 2022, with the 2023 campaign due to be released soon (approximately April 2023).

[Appendix 7](#): contains a summary of the advertising campaign.

At the May 2022 Building and Construction Safety Symposium and June-July 2022 Regional Roadshow events, SafeWork NSW presented options on preventing falls from heights in construction.

Research

SafeWork NSW commissioned in-depth independent research to better understand falls from heights from a construction worker and site supervisor perspective, to help inform an awareness-raising advertising campaign on working at heights safety in the construction industry. The

researchers used a combination of digital diaries, interviews and focus groups to better understand this cohort's values, influences, barriers and motivators for safety.

Evaluation and where to next

SafeWork NSW has evaluated the findings of these initiatives and has prepared a paper for the February 2023 national Heads of Workplace Safety Authorities meeting to address the problem of falls from heights in the construction industry.

Example program – Forklift safety

From 2017-2022, NSW recorded 1,538 forklift-related incidents. Forklifts are used to lift, stack and transfer loads in many workplaces. However, every year they continue to cause workplace deaths and injuries resulting in substantial financial and human costs for workers, industry, and the community.

In 2021, SafeWork NSW conducted a state-wide proactive compliance program focusing on forklift safety in the manufacturing and transport industry. The program was centred on targeted education and compliance operations.

Compliance activity

From May 2021 to July 2022, 669 forklift inspections were conducted across the Sydney Metropolitan area with the highest volume of inspections taking place in the Outer West and Blue Mountains, the Central Coast, Blacktown, and Parramatta.

SafeWork NSW Inspectors undertook 485 high-risk work licence checks and issued 493 non-compliance Notices to both PCBUs and workers who failed to meet their obligations under the WHS Laws.

Education and awareness

As part of the program, SafeWork NSW:

- emailed over 580 letters to businesses with forklift safety resources and project information
- mailed out over 1,000 forklift education packs directly to businesses
- SafeWork NSW Inspectors engaged with over 600 businesses across multiple industry sectors and business sizes; and
- provided a range of free advice and support to over 230 businesses to help business, industry and workers better manage the risk associated with forklifts.

As part of the program, SafeWork NSW created a social media campaign focusing on a video case study "Mark's Story", which tells the story of Mark Ellis, a worker who sustained a life altering injury from a forklift. The video has now been viewed on YouTube over 6,300 times. The campaign also reached over 71,000 people and saw a rise in views of forklift safety resources on the SafeWork NSW website.

SafeWork NSW established the Manufacturing Safety in Action Group with industry leaders. This provides external stakeholders additional opportunities to engage with SafeWork NSW directly and network with other businesses to discuss work health and safety issues and what solutions are available.

Example Program – Risks associated with silica

In recent years, there has been a dramatic increase in cases of silicosis. Given that there is a continued noncompliance by PCBUs in relation to managing the risks of silica in the workplace, SafeWork NSW is committed to further developing its compliance strategy in response. Despite what has been reported in the media, in the past five years SafeWork NSW has been one of the most active regulators in this space.

SafeWork NSW was one of the first WHS regulators in Australia to launch a dedicated silica program, working with Queensland in 2017 to address compliance issues in engineered stone

workplaces through a pilot program. In March 2018, SafeWork NSW launched our compliance visit program in March 2018 which remains an ongoing SafeWork NSW priority.

SafeWork NSW has, and continues to, take an active approach to compliance. Our Inspectors have completed significantly more silica workplace inspections across engineered stone and construction workplaces, and issued more notices, than other jurisdictions⁸.

Inspectors undertaking compliance visits and inspections maintain independence and form their own reasonable beliefs regarding the issue of notice. They cannot be directed by Management to issue notices.

SafeWork NSW Inspectors are supported in their silica compliance work through specific silica Inspector training, practice notes, and guidance from Inspectors with specialist knowledge in occupational hygiene.

We have maintained a comprehensive approach, with sustained and targeted awareness and education programs across engineered stone and construction industries. SafeWork NSW has also facilitated an industry rebate, legislative reforms and research complementing the Inspector visit program.

Silica continues to be a priority for SafeWork NSW in 2023 under the SafeWork NSW Regulatory Priority: Exposure to harmful substances - Reduce the incidence of worker exposure to dangerous substances in the workplace, particularly silica and dangerous chemicals. This work complements the recently released Australian WHS Strategy, which sets out an ambitious vision for WHS outcomes in Australia. One of the goals is 'No new cases of accelerated silicosis by 2033'.

Compliance activity

SafeWork NSW undertook a targeted compliance program looking at NSW workplaces. A summary of the targeted program compliance activity is below:

SafeWork Compliance Visit Program actions	
Workplace Visits (Silica-related)	2,115 comprising of: <ul style="list-style-type: none"> • 993 Manufactured stone visits • 1016 Construction workplaces visits • 106 Other industries (includes tunnelling*, manufacturing, foundries, and stonemasons)
Notices	<ul style="list-style-type: none"> • 1,279 Improvement notices • 47 Prohibition notices • 3 Penalty notices • 69 Notices issued where control measures not confirmed as meeting 0.05mg/m³ – Since July 2020, comprising of: <ul style="list-style-type: none"> ○ 20 Manufactured Stone ○ 49 Construction

Figure 12: Data is from 2018 to 30 June 2022 and is published on the NSW Government silica dashboard site. * 141 silica-related tunnelling visits have been undertaken 2020-2022 in addition to the dedicated Silica Visit Program

⁸ From analysis of jurisdictional data taken from Decision Regulation Impact Statement: Managing the risks of respirable crystalline silica at work, noting Victorian data was not provided.

SafeWork NSW has worked extensively to identify workplaces where there is potential of exposure to silica dust through the issuing of section 155 notices to importers and suppliers of manufactured stone as well as icare. Using the information obtained SafeWork NSW has conducted verification activities to improve compliance.

There was a significant improvement in compliance between two rounds of visits to engineered stone fabricators across 2018 to 2022 where improvement notices for silica safety decreased from 531 the first round to 208 – and prohibition notices also dropped significantly from 26 to 6. We are continually seeing increased compliance across industry, but we know there is further work to be done.

Recently, we had our first prosecution with a Padstow stone masonry business being fined \$25,000 for failing to provide training on the correct fitting and use of respiratory protective equipment. Three further matters are still in court.

SafeWork NSW's [published silica dashboard](#) shows what is being done through both proactive and reactive compliance actions. It also provides information on our key activities and links to published guidance for businesses and workers. We update the dashboard quarterly.

[Appendix 8](#): provides a more detailed timeline of the activities undertaken by SafeWork NSW in relation to Silica.

Education and awareness

SafeWork NSW has driven training education and awareness campaigns on the risks of silica including:

- *Silica Video Safety Alert (2018)* - reached 86,000+
- *Technical and General Fact sheet (2018)*
- *Which Mask Will You Wear? campaign (2019)* - reached
- *Silica Symposium event (2019)* - 300+ attendees (70% of attendees reported positive workplace impact as result of attending)
- *Silica Regional Roadshows (2019)* - six locations, 600+ attendees
- *SafeWork Month campaign (silica a key focus) (2019)* – reached 1.2M+
- *Dr Karl campaign (2020)* - reached 200,000+
- *Safety Starts with You campaign (silica a key focus) (2020)* – reached 1.8M+
- *Medical Practitioner mandatory silicosis notification webinar (2020)*
- *NSW version of Clean Air. Clear Lungs (2021)* - reached 197,000+
- *Task-based video safety alerts (2020-2022)* – 10,000 views
- *Engineered Stone Code of Practice webinar and Silica Dust Control Plan template (Feb 2022)*
- *Construction online supervisor workshops silica module (2020-current)* – approximately 360 attendees.
- *Member of national working group to develop three units of competency for the Construction Plumbing and Services Training Package – Silica Safety Awareness Project (2022)*

Videos are published on the [SafeWork NSW Youtube Channel](#). Campaigns and resources are published in key languages common in construction and engineered stone industries and promoted via [NSW Multicultural Health Communication Service](#) and the SafeWork NSW [Translated Resources Hub](#).

Regulatory Change

SafeWork NSW has led several regulatory changes to address the risks of silica. This includes regulatory amendments on 1 July 2020⁹ which effectively banned the uncontrolled dry cutting of engineered stone. On 27 October 2020 Silicosis became a notifiable disease requiring clinicians to report each case of silicosis diagnosed in NSW. Those notifications are shared with SafeWork NSW to manage a NSW Dust Disease Register. An annual report is tabled in Parliament and published on the NSW Government website (NSW Silica Dashboard) alongside key information on compliance activities.

In October 2021, SWA published the national model code of practice – *Controlling exposure to respirable crystalline silica from engineered stone* (the Code). The Code was adopted in NSW on 25 February 2022 and SafeWork NSW has promoted it via webinars, checklists and translated resources. Our website provides the published Code and a range of information, guidance and tools on crystalline silica, including prevention, safety controls and health monitoring.

Research and technology

Our SafeWork NSW Centre for WHS has also led the research and the launch of the 'Real-time silica dust detection device' a world first in providing an accurate, continuous, and real-time silica detection in the workplace.

Future Actions

NSW intends to undertake further actions to address the risks of silica in the workplace, including:

- increasing the specialist experts and operational staff dedicated to working on silica compliance
- strengthening our compliance focus and capacity by increasing risk-based silica compliance programs and taking a stronger enforcement approach against those who continue to put workers at risk; and
- establishing an Expert Silica Advisory Committee to enable SafeWork NSW to work more closely with industry, unions and experts in the field, ensuring SafeWork NSW's approach is timely and stays ahead of emerging trends.

Tools to support proactive compliance

SafeWork NSW has developed tools through data and analytics to support targeted compliance interventions. One of these tools is the WHS Rating Tool, which provides all businesses in NSW with a rating as a function of their risk of non-compliance with WHS laws. The WHS Rating utilises compliance data collected by different government agencies and is built on predictive analytics using machine learning techniques.

The WHS Rating is embedded in SafeWork NSW's operational decision making and processes and enables a more effective allocation of resources towards the riskiest workplaces.

⁹ Clause 1840 of the WHS Regulation 2017.

2.4 Investigations

SafeWork NSW responds to all reported incidents or breaches of WHS laws and takes action on non-compliance where appropriate.

More serious matters progress to further investigation with a view to prosecution. These investigations are generally undertaken in response to workplace incidents that result in the serious or fatal injury of workers, but may also be in response to dangerous occurrences, serious safety risks or work-related illnesses, and more recently on strategic matters.

Other matters are addressed in a variety of different ways, including the issuing of notices such as Improvement Notices, Prohibition Notices, and Penalty Notices, education, compliance programs, and advisory support.

2.4.1 Determining which are investigated with a view to prosecution

In the 2021-22 Financial Year, SafeWork NSW received 1,957 workplace incident notifications that were allocated for an Inspector Response.

Initial enquiries and investigation into these matters are undertaken by our SafeWork Inspectors. Given the volume of matters, there is a decision-making process to determine which matters progress to a detailed investigation with the view to prosecution. These are summarised below:

Serious Incident Review Process

SafeWork NSW has a Serious Incident Review Process that includes a panel of directorate members including Inspectors. The Panel considers notified and detected matters or incidents that fall within identified priority areas to determine the appropriate action and next steps. We use this process to determine which incidents should be escalated to the Investigation Decision Making Panel (IDMP) for decision on further investigation with the view to prosecution.

These panels apply evidence-based decision-making principles in combination with adopting proportionate compliance recommendations set out in the NCEP. The Serious Incident Review Process promotes consistent decision-making across the SafeWork NSW and all outcomes and decisions are recorded as part of this process.

Investigation Decision Making Panel (IDMP)

Historically, SafeWork NSW did not have a consistent approach to determining which matters were progressed to further investigation with a view to prosecution.

To resolve this issue, the SafeWork NSW's IDMP was established by the former WorkCover Authority of NSW in 2011. The purpose of the IDMP was to introduce governance processes and consistency over the potential breaches of the WHS laws that progress to further investigation with the view to prosecution with the Panel reviewing each matter against set criteria.

Panels such as these are an important regulatory governance mechanism and are a feature of many regulators nationally and internationally.

The IDMP membership is made up of seven SafeWork NSW Directors from our Compliance and Dispute Resolution and Investigation and Enforcement functions.

The IDMP is guided by the Terms of Reference and the IDMP Framework that provide criteria and principles against which each matter referred to the Panel is considered.

[Appendix 9](#): provides the IDMP Terms of Reference.

[Appendix 10](#): provides the IDMP Framework.

The IDMP meets monthly and receive written submissions from the directorates recommending matters for referral for further investigation, as well as matters that are not recommended for any further action.

The summary below provides the number of matters referred to the IDMP and the outcomes in recent years:

Investigation Decision Making Panel made the following decisions from 1 January 2018 – 2 November 2022								
Period	Submissions considered by the IDMP	Recommendations		Recommendation further investigation			Recommendation no further investigation	
		Further investigation	No Further investigation	Accepted	Not Accepted	Referred (back to team)	Accepted	Not Accepted
2018	97	59	38	40	16	3	37	1
2019	80	50	30	38	12	3	31	1
2020	128	61	67	46	15	3	59	13
2021	131	52	79	46	6	2	80	1
2022	101	44	54	40	4	3	55	0

Figure 13: Summary of referrals and decisions of the IDMP

As seen in the table above, the IDMP largely accept the recommendations of the Inspectors who refer the matters to the IDMP. In 2022, there were 44 matters recommended for further investigation, 40 of which were accepted by the IDMP. Four matters were not accepted including three matters that were referred back to the Inspector for further work before consideration again by the IDMP.

Matters that are determined for “no further investigation” by the IDMP are referred back to the Inspectorate for other compliance and/or education action. This does not mean that no action is taken by SafeWork NSW.

Where a matter is supported by the IDMP for further investigation the matter is referred to the Investigation and Enforcement team with specialist inspectors, skilled at investigating more complex and or serious incidents, who undertake a more detailed investigation with the view to prosecution.

There are some circumstances where serious workplace incidents (generally matters involving a fatality) will process to further investigation without coming through the IDMP for review. This pathway is referred to as “automatic acceptance”, where serious incidents are immediately reviewed. These incidents are matters for which the consequences are so serious that the overwhelming public expectation would be that the matter proceed to full investigation with a view to prosecution.

On 18 October 2022, the Head of SafeWork NSW and Deputy Secretary of BRD established an internal review of the IDMP including its membership and Terms of Reference to ensure its effectiveness. During the review period the Executive Director, Investigation and Enforcement has become chair of the IDMP.

The review found that the IDMP is an important governance mechanism for ensuring that decisions about whether to progress a matter to further investigation with a view to prosecution are made against consistent criteria and with a strategic lens.

The review also made recommendations to improve the operation of the IDMP and the supporting framework that were accepted and are being implemented.

A copy of the internal IDMP Review Report has been provided to Mr McDougall separately for consideration in the context of this Review.

2.4.2 Investigation Process

The purpose of an investigation is to gather information about what happened and determine the cause of the incident. This is important to prevent similar incidents from occurring again. Investigating an incident also assists us to determine if a breach of WHS laws has occurred and the appropriate regulatory response.

The scope and scale of an investigation varies depending upon the nature of the issue and the compliance tools being used or considered. Investigations will generally involve:

- identification of relevant duty holders
- collection, recording and examination of all relevant evidence from the incident scene
- where appropriate seizure of evidence held by external agencies, for example, the NSW Police
- where appropriate engagement of expert evidence
- collection and examination of documentary evidence, including electronic records
- interview of witnesses with evidence relevant to the incident; and
- interview of relevant PCBU and/or their representatives.

Our Incident Investigations and Customer Service Standard outlines the investigation process and what customers can expect from SafeWork NSW when we undertake an investigation under the WHS Act.

Further information on our incident response and investigations process is published on our website.

The number of investigations conducted by our Investigation and Enforcement team are summarised in the Figure below:

Industry	2017/20 18	2018/20 19	2018/20 20	2020/20 21	2021/20 22	TOTAL
Accommodation, Café and Restaurant	1	0	0	1	0	2
Agricultural	9	3	5	6	7	30
Communication Services	1	0	0	0	0	1
Construction	38	31	34	29	29	161
Cultural and Recreational Services	2	1	2	2	1	8
Education	0	0	1	0	1	2
Electricity, Gas and Water Supply	0	3	1	0	0	4
Government, Administration Defence	4	6	2	3	0	15
Health and Community Services	1	0	1	3	2	7
Manufacturing	30	25	17	33	22	127
Personal and Other Services	2	3	2	3	4	14
Property and Business Service	1	0	0	1	0	2
Retail Trade	2	1	1	1	1	6

Transport and Storage	6	6	4	1	4	21
Total	97	79	70	83	71	400

Figure 14: Investigations by year

2.5 Prosecutions

Prosecution for an offence is one of several options available to SafeWork NSW under the legislation it administers. It is a discretionary action and not every breach of the laws proceeds to a criminal prosecution.

Consistent with the NCEP, SafeWork NSW is committed to a policy of prosecuting whenever significant breaches of WHS legislation occur. Significant breaches generally include cases involving fatalities and/or serious injury or where potential risks to health and safety are high.

The decision to proceed to prosecution is guided by the Prosecution Guidelines of the NSW Office of the Director of Public Prosecutions and the [SafeWork NSW Prosecution Guidelines](#). Further information is available in our SafeWork NSW Prosecution Guidelines published on our website.

By commencing a prosecution, SafeWork NSW aims to change the behaviour of the alleged offender and deter future offending. Prosecution in appropriate circumstances sends a message to the community that failure to meet legislative responsibilities will be enforced through the courts. The decision to prosecute is made based on the applicable law at the time and public interest considerations.

Commencement of a prosecution

Following the investigation stage, a legal review of the brief of evidence and Inspector recommendations takes place to consider if a breach of WHS laws can be established.

Where SafeWork NSW recommends proceeding with a prosecution following its investigation, we usually write to the relevant PCBU inviting them to make submissions as to why a prosecution should not proceed in the public interest. Any submission received is incorporated into consideration of the appropriate enforcement decision in the matter.

A prosecution may be commenced by SafeWork NSW or an Inspector with written authorisation of SafeWork NSW.¹⁰

Once a prosecution is commenced, the court generally determines the process that applies. Most SafeWork NSW prosecutions are commenced in the District Court, which has [published a practice note](#) to govern the progress of WHS Act matters through that jurisdiction.

We ensure those directly affected by or involved in the incident investigation process are informed while also ensuring the integrity of the investigation. This includes:

- advising the outcome of the initial inspector response and what further action, if any, will be taken
- where further investigation is undertaken, providing an update at least once in every three months; and
- advising of the enforcement decision that has been made.

We also communicate with families and injured workers to provide support and updates during proceedings before the court, advise of court decisions and sentencing outcomes, provide support

¹⁰ See section 230(1) of the WHS Act. The NSW WHS Regulator is the Secretary of the Department of Customer Service, who has delegated this power to the Deputy Secretary, BRD and BRD Executive Directors. The enforcement decision, as to whether or not a prosecution will be commenced, is generally made by the Executive Director, Investigations & Enforcement.

and updates in the event of an appeal, and advise if an application for an enforceable undertaking is received.

For injured workers and families of deceased or seriously injured workers, the SafeWork NSW Coordinator Family Liaison is available to provide information on counselling and other support available to injured workers and close family members, assist families or injured people to prepare victim impact statements, accompany injured workers and/or families attending court proceedings See [Family Liaison Team](#).

The number of prosecutions commenced and the enforcement decisions arising from these is summarised in the table below:

Financial Year	Enforcement Decision: Prosecution commenced (Number of Matters Number of Charges Filed)	Enforcement Decision: No prosecution (Number of Matters)	Total Enforcement Decisions
FYE 2018	45/100	18	63
FYE 2019	61/134	38	99
FYE 2020	69/153	41	110
FYE 2021	57/144	31	88
FYE 2022	62/125	25	87

Figure 15: SafeWork NSW prosecution outcomes

2.5.1 Sanctions

There are a range of other sanctions available to SafeWork NSW. These are summarised below:

Alternative sentencing options

In recent years, SafeWork NSW has increasingly pursued opportunities to seek alternative sentencing orders (Part 13 Division 2 of the WHS Act) from the courts in prosecutions. These orders have been sought in addition to a monetary fine against the defendant. In most cases, the potential additional orders have been raised with the defendant and discussed and/or negotiated prior to sentencing to enable an agreed position to be put to the court on the proposed order.

As a result of this activity, in the financial years 2018/19 - 2021/22 there have been:

- three adverse publicity orders made under s. 236 of the WHS Act
- eight project orders made under s. 238 of the WHS Act
- four WHS undertakings entered into under s. 239 of the WHS Act; and
- eight training orders made under s. 241 of the Act.

The majority of the project orders issued by the court have required the defendant to arrange and/or fund an animated educational video depicting the incident subject of the sentence outcome which can then be hosted on our website. This enables the sharing of safety learnings across the NSW community and generates further safety awareness.

In another matter, the project order required the defendant to establish and fund a Scaffolding Industry Safety Standard Working Group, consisting of relevant industry stakeholders to deliver a Scaffold Industry Safety Standard.

Appendix 11: provides a table of alternative sentencing orders imposed since 2018.

Enforceable Undertakings

SafeWork NSW can elect to enter into an enforceable undertaking with a PCBU instead of pursuing a prosecution.

An enforceable undertaking is a legally binding agreement between SafeWork NSW and the person who proposed the undertaking.

An enforceable undertaking cannot be accepted for a contravention or alleged contravention for a Category one offence.

An enforceable undertaking (rather than a prosecution) will only be accepted from a PCBU if it demonstrates three main principles:

- benefits to their workplace
- benefits to their industry; and
- benefits to the community.

There are real and meaningful benefits arising from an enforceable undertaking including that they can:

- provide for significant and on-going commitments that aim to achieve improved WHS and compliance
- provide an opportunity for organisational reform; and
- provide an opportunity for the person to communicate to their industry peers and the community generally about the consequences of unsafe work practices and the opportunities that putting in place safe work practices can bring.

When a proposed enforceable undertaking is accepted, any legal proceedings connected to the alleged contravention are discontinued. Where legal proceedings have not been started, acceptance of the undertaking means no proceedings will be started (if the undertaking is not contravened).

Assessment of Enforceable Undertakings

In January 2018, SafeWork NSW introduced a two-stage process to assess applications for Enforceable Undertakings and updated the [Enforceable Undertaking Guidelines](#).

The process provides for the assessment of enforceable undertakings early at an 'Eligibility' Stage before moving to an 'Evaluation' stage where the application for an enforceable undertaking is considered by the SafeWork NSW Enforceable Undertaking Evaluation Panel.

During the Eligibility Stage, SafeWork NSW will consider the following factors:

- the level of alleged culpability of the person
- the degree of risk arising from the alleged breach
- the person's history of compliance; and
- the person's attitude and commitment to work health and safety and the enforceable undertaking process.

These factors are considered to determine if an enforceable undertaking is an appropriate enforcement measure. Should SafeWork NSW determine that a person is not eligible for an enforceable undertaking, the person will be provided a reasonable opportunity to address the reasons prior to a final decision.

At the Evaluation Stage, SafeWork NSW will consider the merit of the proposed enforceable undertaking. At this stage, the PCBU prepares and submits a written enforceable undertaking proposal using the template SafeWork NSW provides.

The proposal is assessed by the SafeWork NSW enforceable undertaking evaluation panel with consideration to the following factors:

- the degree to which the enforceable undertaking strengthens compliance and/or builds sustainable performance,
- whether the enforceable undertaking offers sustainable, measurable and tangible work health and safety benefits to:
 1. the workplace
 2. the industry
 3. the community
- the extent to which some of the strategies/initiatives proposed link to the alleged contravention and the work health and safety duties of the person, or where this is not viable, achieve benefits to work health and safety outcomes in general
- the person’s capability to develop and deliver an enforceable undertaking
- the person’s attitude and commitment to the enforceable undertaking process; and
- any other matter that SafeWork NSW considers relevant to the merit of and compliance with the enforceable undertaking.

Evaluation of the SafeWork NSW Enforceable Undertaking Program

SafeWork NSW completes regular periodic evaluations of its enforceable undertaking program to ensure it continues to meet the intention of the legislation and expectations of key stakeholders. The most recent evaluation was completed in 2020 and is [published on our website](#). The evaluation found 94 per cent of businesses who had completed an enforceable undertaking stated it led to long term changes in their business and improvements in their WHS culture.

From 1 July 2017 to 30 June 2022, we have seen \$27.1 million committed to WHS improvements through enforceable undertakings from 202 individual safety initiatives.

The applications and outcomes for enforceable undertakings since 2017 are provided in the table below:

Year	Accepted	Rejected	Withdrawn*	Completed
2017-2018*	7	4	1	5
2018-2019	5	7	4	8
2019-2020	17	20	5	8
2020-2021	9	8	1	6
2021-2022	7	11	4	8
Totals	45	50	15	35

Figure 16: Applications and outcomes for enforceable undertakings since 2017

* Anyone can withdraw from the enforceable undertaking process up until an enforceable undertaking has been accepted by SafeWork NSW and becomes enforceable. The reason for withdrawals varies and is often due to a change in the business circumstances or their ability to develop or deliver an enforceable undertaking.

Further information about enforceable undertakings and the process is published [on our website](#).

Warning letters

In some cases, following completion of an investigation, where no prosecution is to be commenced, a warning letter is sent to the relevant PCBU. The warning letter generally notes that while a prosecution is not being commenced, SafeWork NSW is concerned that the PCBU is not in

compliance with their WHS obligations and is putting them on notice of this. In other cases, a warning letter may be issued to a PCBU without a formal investigation having occurred.

After warning letters are issued, our SafeWork NSW Inspectors undertake compliance activities to monitor the person conducting a business or undertaking to ensure improved safety culture and compliance.

Licence suspensions/cancellations

SafeWork NSW licenses for high-risk work activities, ensuring that those carrying out the activities are fully qualified and capable. Items of plant such as cranes, delivery booms, boilers and escalators, and amusement rides that have a higher level of risk associated with operating them and their use and maintenance, also must be registered.

Outlined in the table below are the SafeWork NSW authorisations for financial year 2021/22:

Total licences/authorisations (all current)*	2,199,056
Finalised new licences/authorisations **	113,580
Finalised renewed licences	115,683
Total refused licences	15

**Includes licences, certificates, registrations, permits, notifications*

***includes approved, refused, withdrawn and variations of licences*

Figure 17: SafeWork authorisations 2021/22

As part of the administration of licenses, SafeWork NSW reviews license holder eligibility and can take action to suspend or cancel licenses based on licence holder non-compliance with the WHS legislation, or the non-compliance against any licence conditions that might apply to that licence holder.

Some licence types have a licence specific set of conditions applied to them, such as High Risk Work Assessors, and Pyrotechnician licence. In addition to the generic conditions, there are times when SafeWork NSW may also apply conditions to specific licence holders. This may apply in cases where there are unusual operating circumstances where the licence can still be issued, but with additional rules to be followed, or where has been non-compliance with the WHS legislation or general licence conditions, but the non-compliance is not to a degree that would warrant the suspension or cancellation of the licence.

When additional conditions are applied to licence holders, these conditions are monitored in the verification programs undertaken by SafeWork NSW.

Evidence of licence holder non-compliance can be identified through several channels. We may receive a Request for Service from a member of the public about the specific issue, or an Inspector may observe the non-compliance while on site for a proactive licence verification visit, or when they are undertaking a response to a general RFS or Incident. Additionally, an Inspector may gather evidence on non-compliance in their response to an incident involving the licence holder, for example, forklift accident or dangerous occurrence with a crane.

Non-compliance can also be identified through desktop verification, where there is a review of the licence holder administrative records required under their licencing conditions, often involved with notifying SafeWork NSW of operations, or ensuring appropriate plans are in place for operation.

Once evidence of non-compliance has been confirmed, an assessment is made as to whether the licence holder should retain their licence. This assessment is undertaken by the relevant specialist

team in SafeWork NSW to ensure any suspension or cancellation decisions are made by appropriately experienced and delegated persons.

The SafeWork NSW licensing program, including suspension and cancellation, is governed by the SafeWork NSW Authorisations Control Framework (ACF) and supporting policies for acceptance, assessment, verification and evaluation of the regimes. The ACF is based on principles taken from the Independent Pricing and Regulatory Review Tribunal (IPART) guidance material: [A Best Practice Approach to Designing and reviewing Licensing Schemes 2013 IPART Reforming Licensing in NSW 2014 report](#). The ACF also considers the principles underlying best practice regulation in NSW as articulated in the *NSW Government Guide to Better Regulation* (January 2019 – NSW Treasury). The ACF outlines the administrative and governance required for each authorisation's regime. Based on the ACF, teams governing licensing regimes develop policy and procedure documents relevant to their licence types.

Verification visits are a subset of the compliance programs we deliver. These are conducted with our SafeWork NSW licence holders and authorised users. The purpose of these visits is to ensure the licence holder or authorised user is suitable to hold the licence and/or authorisation. These visits can take place prior to the licence or authorisation being issued, and they may also take place during the lifecycle of the licence and/or authorisation to ensure the licence/ holder or authorised user is operating within the conditions of their licence and/or authorisation and are WHS compliant. These verifications provide us confidence that the licence holders or authorised users should continue to hold their licence and/or authorisation, or evidence that some type of sanction be applied, including suspension or cancellation of the licence and/or authorisation.

The design of the verification programs varies, depending upon the nature of the licence. For those licence types where there are low licence numbers, but significant risk, e.g., Major Hazard Facilities, we undertake multiple verification visits throughout the lifecycle of all licence holders. For licence types or authorisations where we're unable to verify all licence holders or authorised users, due to the volume, a risk-based sampling method is used to select the licence holders or authorised users that present the highest risk of non-compliance. These prioritisations consider detail such as past compliance performance, industry non-compliance and incident trends and complaints. Where possible, we seek to visit a licence holder or authorised user at least once in their licence cycle.

Note: this does not apply to High-Risk Work (HRW) licence holders, e.g., forklift, crane, scaffold etc operators, as the volume is significant. However, when these licence holders are on site, their compliance is observed and addressed through our standard reactive and proactive visit programs.

'Close the Loop' review and evaluation

To ensure that a PCBU is updated with the outcome of an investigation after an incident, SafeWork NSW undertakes a 'Close the Loop' process and will contact the PCBU in the following circumstances:

- where an investigation has been referred to the Investigations and Enforcement team from the IDMP and a decision has been made not to proceed with a prosecution, or
- a prosecution of the PCBU has been undertaken and the appeal period has passed.

At a high level, the process involves convening a meeting with the workplace representative(s) to discuss the systems in place to manage WHS and to talk through learnings because of the workplace incident. As part of the 'Close the Loop' process SafeWork NSW also undertakes a workplace inspection to verify that effective systems of work are in place to eliminate or control the risk that resulted in the incident and subsequent prosecution.

The primary aim of the 'Close the Loop' process is to ensure that the risks that gave rise to the incident have been eliminated or controlled by the duty holder on a long-term basis. There are also some other meaningful benefits of the 'Close the Loop' program including:

- establishing or re-establishing positive working relationships between the duty holder and SafeWork NSW
- promoting improvements in the safety culture

- understanding the challenges faced by business
- providing advice to address specific safety risks
- opening communication lines about safety issues; and
- encouraging greater scrutiny of existing systems.

An evaluation of the ‘Close the Loop’ program was undertaken in 2012 and again in 2022 both recommending the continuation of the program.

2.6 Measuring the effectiveness of investigation and enforcement functions

SafeWork NSW measures the effectiveness and performance of our compliance and enforcement functions at an organisational level and at a strategic program level. This can be against targets we set, but also through the evaluations conducted on programs we deliver.

A summary of how we measure our performance is provided below:

2.6.1 Performance against the SafeWork Australia strategy and targets

SWA set targets under the Australian WHS Strategy 2012-2022. These included a reduction in number of worker fatalities due to injury of at least 20% by 2022. SafeWork NSW met this target with a decrease from 75 fatal incidents (for baseline period 2007-2010) to 55 fatal incidents (for 2019-2021 – latest available data). This is a decrease of 26% which highlights that NSW met the national target within the 10-year timeframe. These trends indicate that SafeWork NSW has been effective in meeting this strategic outcome, and it is envisaged this trend will continue.

State/Territory	Number of Fatalities			Fatality Rate		
	2020	2021	5 Year Average	2020	2021	5 Year Average
New South Wales	53	46	55	1.3	1.1	1.4
Queensland	33	43	40	1.3	1.6	1.6
Victoria	51	34	38	1.5	1.0	1.1
Western Australia	29	20	20	2.1	1.4	1.5
South Australia	11	16	13	1.3	1.8	1.5
Northern Territory	6	4	5	4.6	3.1	4.1
Tasmania	8	5	5	3.2	1.9	2.0
Australian Capital Territory	2	1	1	0.8	0.4	0.4
TOTAL	193	169	177	1.5	1.3	1.4

Figure 18: Worker fatalities: number and rate (per 100,000 workers)¹¹

SWA also set a national target of a 30% reduction in the incidence of serious injury and illnesses over the 10-year period to 2022. At this stage, NSW has seen a fall in serious injuries and illnesses from a baseline of 14.03 to 11.91. A reduction in 15% over the period. Unfortunately, NSW, along with many other Australian jurisdictions has recently seen a steady upward trend in the incidence of serious workers compensation claims. Based on current trends it is unlikely that NSW will meet the national target.

¹¹ The information in this table is from the ‘Work related traumatic injury fatality 2021 report’, which contains statistics on all workers and bystanders who died from work-related injuries. It does not include deaths from occupational diseases nor those that happen while commuting to or from work.

An increase in psychological injuries across all industries and a decline in return-to-work rates for psychological injuries are contributing to this current upward trend.

In 2020-2021 people with a physical injury were almost twice as likely to be back at work within a year as those with a psychological injury. Work-related harassment and/or bullying and work pressure are the two most common reasons for people lodging a primary psychological injury claim.

As at 2020-2021 primary psychological injury claims accounted for 23 per cent of claim payments compared to 16 per cent in 2016-2017. Considering this, SafeWork NSW has undertaken significant work focussed on psychological injury with a dedicated Health and Safe Design Inspectorate and the establishment of a Respect at Work Taskforce. The [Mental Health at Work website](#) centralises information, guidance and tools for persons conducting a business or undertaking, workers and the community in this regard, with a range of guidance also available on the [SafeWork NSW website](#).

2.6.2 Performance against SafeWork NSW strategies

WHS Roadmap for NSW 2022

In 2016, SafeWork NSW published the WHS Roadmap for NSW 2022 a six-year strategy which for the first time, outlined the need for SafeWork NSW's decisions and actions to be driven by insights and evidence from data. See [The Strategic Framework – what drives our work](#).

The WHS Roadmap called for actions to increase investment into targeted WHS research and analytics, improve translation of research data and evaluation into regulator decisions and community practice, and increase promotion and active release of WHS research and data.

SafeWork NSW's performance under the Roadmap was evaluated in a mid-point evaluation and is currently being evaluated for the full program delivery.

It is difficult to provide overall performance against the WHS Roadmap in the absence of the final review of the program. There are some targets set out in the WHS Roadmap including:

- A 30% reduction in workplace fatalities.
This target is expected to be met. In the 2019-2021 period NSW saw a 39% reduction in the incidence of workplace fatalities from the original baseline period.
- A 50% reduction in serious compensated.
Unfortunately, this ambitious target will not be met. While in the 2020-2021 period, NSW has seen a 15% reduction in the incidence rate from the original baseline period this rate is not at the pace required to meet this target.
- A 50% reduction in musculoskeletal disorders.
For the 2020-21 period NSW has seen a 26% reduction in the incidence of musculoskeletal disorders against the baseline target. This is a significant result but at this stage we are unable to determine whether we will meet the ambition target set.

There have been a number of achievements aligned to the action areas of the WHS Roadmap including:

- Multimedia campaign '[Safety Starts with You](#)'. Research undertaken following the campaign found that:
 - awareness of the campaign grew from 21% to 34% over the three-year period; and
 - people who saw the campaign reported that they were very likely to take action with 73% likely to take responsibility for their own safety, 69% likely to stop someone from doing something unsafe at work, 61% likely to seek advice if they were unsure of the safe way of doing something and 53% likely to speak out about safety at their workplace.
- Agriculture, Manufacturing, Transport, Government and Construction Sector Plans
- implementing a number of strategies to address high impact harms including:

- [Mentally Healthy Workplaces Strategy 2018-2022](#) - that has had 280,000 website visitors to the programs tools, resources and guidance website page
- Hazardous Chemicals and Materials Exposures Baseline Reduction Strategy that has seen the introduction of regulatory changes banning the uncontrolled use of dry cutting, the development of a new Code of Practice, and significant compliance activity
- Musculoskeletal Disorder Strategy 2017-2022; and
- the Quad Bike Improvement Program, which includes world first research, rebates, free training. Further information is provided [at 3.1.5](#).

Regulatory Priorities

The [SafeWork NSW Regulatory Priorities](#) for 2023 have been established with a reporting framework that provides baseline data and measurements that will be used to capture the performance of SafeWork NSW's actions under the Priorities. This data is built into a SafeWork NSW Regulatory Priorities dashboard to enable review of the impact and effectiveness of the compliance, education and other activities being undertaken to target these priority areas. SafeWork's compliance database is set to be fully operational by end first quarter 2023.

The data feeding into our assessment of the Regulatory Priorities and decisions on compliance activity is informed by research and insights from our Centre for Work Health Safety including the:

1. National WHS Survey data

The SafeWork NSW Centre for Work Health Safety has introduced a National WHS survey, to collect the health and safety experiences of everyday workers, and to understand the practices, barriers and enablers to WHS in workplaces across Australia. The survey is conducted bi-annually and will be used to establish a baseline and identify trends of WHS practices in Australian workplaces.

These insights, which include leading indicators, will highlight areas of actions to be considered by WHS regulators and ensure early identification of new practices, new risks and new solutions in Australian workplaces. The National WHS survey report is due for release in March 2023.

2. WHS Radar

In April 2023, the SafeWork NSW Centre for Work Health Safety will release the first National WHS Radar (WHS radar). The WHS radar derives insights from multiple channels including from academic and grey literature, Australian WHS Academics and professionals, social media data analysis, database analysis, consultations with WHS inspectors, and the insights from the National WHS survey.

New SafeWork NSW Performance KPIs

SafeWork NSW is looking to develop key performance indicators on its performance against the Objects and Functions of the WHS Act. This aims to increase the transparency of SafeWork NSW functions with quarterly reporting proposed to our SafeWork NSW Leadership team and annually on our website. For more information see 1.1.5 [The Strategic Framework – what drives our work](#)

Strategic program level

At a strategy and program level, different measurement tactics are used depending upon the scale of program, availability of data, time constraints and resource availability. These range from commissioned full evaluation frameworks and reports, internal program evaluation reports, post program lesson debriefs, program customer surveys and compliance data reviews.

The design stage of programs usually includes a program logic session to clarify desired program outcomes, inputs and resources required, as well as key evaluation questions. Some examples of evaluations and reports are published on our [website](#).

Depending on the level of evaluation needed for a program, we may manage evaluation in-house. The Centre for Work Health Safety also plays a significant role in program evaluation and providing insights to our other teams to assist in achieving better program outcomes.

3

Terms of Reference 2: Educational Functions

3.1 Education

Education is a critical component of SafeWork NSW's functions.

Education on WHS can prevent and address minor non-compliance on WHS laws, reduce work related fatalities, injuries, and illnesses, ensure workers, PCBUs, and the community understand rights and responsibilities under WHS laws, and inform work practices with the aim of reducing workplace incidents.

Education is a key object of the WHS Laws that “provide for a balanced and national consistent framework to secure the health and safety of workers and workplaces by – (d) promoting the provision of advice, information, education and training in relation to work health and safety”.¹² SafeWork NSW's functions as a regulator include core education functions as set out in the WHS Act:

(c) to provide advice and information on work health and safety to duty holders under this Act and to the community

(d) to collect, analyse and publish statistics relating to work health and safety

(f) to promote and support education and training on matters relating to work health and safety

*(g) to engage in, promote and co-ordinate the sharing of information to achieve the object of this Act, including the sharing of information with a corresponding regulator.*¹³

Education is also the foundational tool in the NCEP compliance and enforcement pyramid.

Our education function is more than the resources, tools and training we run but how we generate awareness of these resources in the community. This relies on a multifaceted approach across different channels to reach different target audiences – workers, business, industry and the broader community.

To reach these audiences we use different channels to raise awareness of WHS in the community. These channels vary depending on the audience we are looking to reach including media, social media, paid advertising campaigns, webinars, conferences, stakeholder events and forums, podcasts, awards, incentives, key dates/events. Ultimately, we are drawing these audiences to our resources and tools that are largely housed on our SafeWork NSW website and raising awareness of an issue to change behaviour.

In addition to these broader education programs, our SafeWork NSW Inspectors, and our Call Centre are providing WHS advice at the front line every day. This is critical to our education function with targeted and direct advice.

3.2 Education Strategies

Supporting our education function are a range of supporting strategies. These can be broad strategies that apply across all our engagements, but also include targeted strategies focusing on programs or harms.

3.2.1 Broad Strategies

Our overarching broad strategies set principles for engagement across the community. They guide our approach to developing communication and education programs, provide templates and structures to develop programs, and create consistency across SafeWork NSW engagements.

By way of example, we have broad strategies including:

¹² Section 3(s) of the *Work Health and Safety Act 2011*.

¹³ Section 152 of the *Work Health and Safety Act 2011*.

NSW Customer Commitments

At SafeWork NSW we apply the [NSW Government Customer Commitments](#) to all our interactions. The Customer Commitments are:

- easy to access
- act with empathy
- respect my time
- explain what to expect
- resolve the situation
- engage the community.

These are published on our [website](#).

Community Engagement Strategy 2021-2024

The BRD Community Engagement Strategy 2021-2024 outlines the design and delivery of regulatory engagement and education initiatives. The strategy has a strong focus on protecting vulnerable groups, including people from culturally and linguistically diverse backgrounds, people with disabilities, and young workers. The Strategy aims to increase community awareness of their rights and responsibilities, and to foster trust.

Aboriginal Engagement and Education Strategy 2021-2024

The BRD Aboriginal Engagement and Education Strategy focuses on increasing Aboriginal people's awareness of their rights and responsibilities under WHS laws. The Strategy aligns with our BRD divisional activities to ensure engagement and education activities with Aboriginal communities and businesses are consistent, culturally safe and benefit the needs of NSW Aboriginal communities.

Stakeholder Engagement Framework

The BRD Stakeholder Engagement Framework provides the guiding principles for our engagement with stakeholders. It provides strategic advice and easy-to-use approaches and templates that enable staff to plan and undertake stakeholder engagement activities in a meaningful and coordinated manner. This includes the identification and allocation of Relationship Managers and Relationship Sponsors to be the central point for each stakeholder group.

3.2.2 Targeted Strategies

SafeWork NSW develops targeted education strategies to address high-risk harms or to focus on industries where WHS risks are greater.

SafeWork NSW selects targeted education strategies are based on our data and insights of the types of high-risk harms where the highest risk harms are in NSW. These education strategies are rarely developed in isolation and form part of a broader compliance and enforcement strategy.

Outlined below are some examples of our targeted education strategies:

NSW Quad Bike Safety Improvement Program

Quad bikes are the leading cause of death and serious injury on Australian farms. The NSW Quad Bike Safety Improvement Program (the QBSIP) was introduced in 2016 with the aim to reduce the rate of quad bike related fatality and injury on NSW farms.

Since that time, the QBSIP has worked with farmers and key industry partners to improve research, data, national safety standards, education, attitudes, and practice in relation to quad bike safety.

At a high level, the QBSIP has delivered the following as part of the targeted education, training and advice program:

Quad bike safety equipment rebate

As part of the program, SafeWork NSW introduced a quad bike safety rebate valued up to \$2,000 per Australian Business Number. To date, approximately \$9.3M has been paid out as rebates to eligible farmers, workers and small business. This rebate has generated an associated \$101 million industry investment in key safety items relating to quad bike safety.

To access the rebate, applicants are required to complete an educational interaction with SafeWork NSW. So far, over 7,700 rebate applicants have completed an educational interaction with SafeWork NSW to access the rebate.

Free Training

A core component of the program is to provide free training on quad bike and side-by-side vehicle vehicles. So far 460 in person training courses have been delivered to over 2,100 eligible farmers, small business, agricultural students aged 16 and over, and agriculture teachers across regional NSW.

Free education resources

SafeWork NSW has developed a range of free materials on [quad bike safety](#), created a range of [information guides](#), developed a free quad bike safety [tool kit](#) that is delivered to homes and businesses, a [virtual farm safety experience](#), and a [free training program](#).

Regional Advertising Campaigns

The QBSIP has worked to increase awareness of the risks of quad bike safety and the resources available through a range of regionally focused advertising campaigns and SafeWork NSW events.

For example, the following table provides a breakdown of the advertising campaigns over the last few years:

Campaign focus	Reach
Quad bike child safety, side-by-side vehicle seat belt safety (2020 campaign)	<p>The campaign reached:</p> <ul style="list-style-type: none">• 1,432 radio spots delivered across 16 regional radio stations• 43,712 people reached via 823,919 geo-targeted social impressions resulting in 32,547 video views and 1,608 clicks; and• 8 regional newspaper advertisements. <p>Pre and post campaign results found that the community's resonance with the impact statement "Children under 16 should not be allowed to ride on adult sized quad bikes" increased from 34% pre-campaign to 64% post campaign.</p>
'Roll bars save lives' (2021 campaign)	<p>The campaign reached:</p> <ul style="list-style-type: none">• 794 radio spots delivered across 15 regional radio stations• 2,845 people reached via NSW Farmer's sponsorship resulting in 777 video views and 97 engagements• 245,694 people reached via 983,124 video impressions resulting in 25,251 views and 3,360 clicks• 661,485 impressions delivered to niche agriculture audiences with 1,935 clicks• Additional digital activities resulting in 270,000 impressions and 1,070 actions• 8 regional newspaper and magazine advertisements with an estimated total reach of 345,000 readers.

	As a result of the campaign, approximately 50% of people who saw the campaign took action, with 13% of those applying for a rebate to purchase roll bars for their quad bikes.
'Keep kids under 16 off adult sized quad bikes' (2022 campaign)	<p>The campaign reached:</p> <ul style="list-style-type: none"> • 19 regional newspapers advertisements with an estimated total reach of 80,000 readers • 4,099,828 impressions delivered across regional news websites and social media, with 4,876 clicks <p>The post campaign research is yet to be finalised so the outcomes and detailed breakdown of the campaign are not available at the time of writing.</p>

Figure 19: Advertising Campaigns

Introduction of the Consumer Goods (Quad Bike) Safety Standard

SafeWork NSW as part of the QBSIP was a strong advocate for the introduction of the Consumer Goods (Quad Bike) Safety Standard.

This is now mandatory under Australian Consumer Law and has resulted in improved safety by design and higher consumer safety awareness for the purchase of new and second hand imported quad bikes.

The National Quad Bike Surveillance Program with ACCC, NSW Fair Trading and QBSIP reported that quad bike retailers improved compliance with national safety laws from 84% in 2021 to 94% in 2022.

Evaluation of the program

QBSIP research and evaluation has demonstrated improved awareness and positive shifts towards safety behaviour and attitudes. Independent market research in 2016, 2017 and 2019 has measured changing awareness, attitudes, and behaviours of farmers in NSW towards quad bikes, side by side vehicles and related matters. The research in 2019 found:

- quad bikes are being used less frequently and more carefully
- fewer farmers are planning to replace their quad bikes
- more farmers are switching to side-by-side vehicles; and
- awareness of safety options, such as operator protection devices, has increased.

A program level evaluation in first quarter 2023 will further examine attitude, awareness and behaviour change and whether the QBSIP has met its intended objectives.

Appendix 12: QBSIP Reporting Dashboard for the period October to December 2022 as an example.

Further information is available on the SafeWork NSW website.

Mentally Healthy Workplaces

Appendix 13: contains the mentally healthy workplaces targeted education program.

3.2.3 Channels for delivery of education and generating awareness

SafeWork NSW educational resources, tools and training are largely available on our website. We generate awareness of these resources in the community through different channels to reach different target audiences – workers, business, industry and the broader community.

In addition to this, a core part of our education function is delivered by our frontline staff. Our SafeWork NSW Inspectors and our Contact Centre team provide education and advice directly to workers, PCBUs and members of the public every day.

Outlined under the headings below are the different ways in SafeWork NSW use to reach different audiences.

3.2.4 Education and advice from our frontline

Our frontline staff are providing advice and undertaking educational activities every day. Under the headings below are some examples of the key education and advice across our frontline.

Onsite Inspections

SafeWork NSW Inspectors undertake education and advisory functions every day. During workplace inspections our Inspectors look for opportunities to provide advice and direct workers, PCBUs, HSRs and others at the workplace to information and resources available through SafeWork NSW.

SafeWork NSW Inspectors also provide education and advice after workplace incidents and when advice is sought including from PCBUs, workers, HSRs and industry bodies.

Customer Contact Centre

Our SafeWork NSW Customer Contact Centre answers queries on all matters relating to WHS. This includes questions about the requirements of the WHS legislation, Codes of Practice, the SafeWork NSW resources and materials available, and any education, training or other events being held by SafeWork NSW.

The Customer Contact Centre monitor and respond to a range of channels in which enquiries come in including phone, email, online enquiries and submissions to the [customer service centre enquiry webform](#), [customer feedback webform](#) and FeedbackAssist submissions. We also have the option to receive questions and enquiries by post.

Enquiry volumes to the SafeWork NSW Customer Contact Centre fluctuated widely throughout the COVID-19 pandemic driven by COVID-related enquiries. Unfortunately, our current methods of recording enquiries are not exhaustive or matched to activity volumes in particular channels. This means that short and high-volume enquiries may or may not be recorded. Our records show the following SafeWork NSW enquiry numbers:

Financial Year	Enquiries recorded
2020-2021	38,923
2021-2022	26,059
2022-2023 (as at December 2022)	7,994

Figure 20: SafeWork NSW enquiry data

Advisory Visits

We also have the option for workers, workplaces, or HSRs to book a free advisory visit with one of our SafeWork NSW Inspectors. This can be booked by contacting our hotline or through our [website](#). This enables SafeWork NSW to arrange for a local inspector to come to the workplace and provide practical workplace health and safety advice specific to the business' operations.

Specialist hotlines

In addition to the general work health and safety education and advice channels, SafeWork NSW run several specialist hotlines. One example of the specialist hotlines is the SafeWork NSW Asbestos Information Hotline that is a one stop shop for asbestos related advice. This provides the NSW community with a central point of contact for making enquiries about asbestos. Callers are also referred to the range of free educational resources and materials on asbestos, such as information on managing or removing asbestos in the home or workplace and refers the caller to the correct government agency or local Council for further advice and assistance where appropriate.

3.2.5 SafeWork NSW website

The SafeWork NSW website is where we launch and store a range of educational resources, materials, guidance notes and tools. This covers a wide range of WHS matters focusing on particular harms, industries and workplace issues.

The educational resources on the website come in many forms including checklists, guidance notes, factsheets, webinars, animations, audit tools, and workplace assessment tools.

Some of the key educational features in the SafeWork NSW website are the following:

- [Resource Library](#) that can be searched by free text and filtered by industry or resource type
- [Webinar Library](#) that contains access 66 different online seminars that are designed to help workers, PCBUs, HSRs and others learn more about work health and safety, return to work, and injury management
- [Video library](#) that contain short and up-to-date videos to help your business comply with work health and safety laws
- [Incident animations](#) that aim to raise the profile of high-risk areas using case studies of workplace incidents
- [Hazards library](#) that contains an A-Z list of key workplace hazards and links to resources, tools, guidance material, fact sheets and workplace materials that can assist in controlling that workplace hazard
- [Podcasts](#) SafeWork NSW has a number of podcasts on a range of workplace health and safety topics. Our main podcast is 'SafetyCast' a podcast focused on providing education for the building and construction industry
- [Incident Information Releases](#) that are published to inform the community about serious workplace incidents to help prevent similar occurrences. They are designed to assist PCBUs review workplace risk management approaches and safe systems of work¹⁴
- [Labour Hire Centre](#) that contains resources and information for everyone involved in labour hire including agencies, workers, training organisations, and hosts and;
- [Subscription centre](#) where anyone can subscribe to SafeWork NSW alerts, newsletters, updates and other materials.

There is a range of other materials on the website including sections on worker, PCBU, HSR and visitor obligations under WHS laws and information on compliance and enforcement activity.

The SafeWork NSW website was accessed more than 5,724,000 times in 2022.

SafeWork NSW has also published educational resources in mobile friendly formats and in a range of different languages to increase accessibility of the content.

It is not possible to profile the full scale of educational resources and materials in this Submission. As an example, the Easy to do WHS Tool kit is profiled below.

Easy to do WHS

SafeWork NSW developed a toolkit to support small businesses across NSW who often do not have a WHS professional in the workplace or the ability or funds to seek paid WHS advice. The tool kit provides guidance on WHS compliance obligations from a small business lens.

The [Easy to do Work Health and Safety toolkit](#) explains the seven components of WHS to help you create a safer, healthier and more successful business. This is intended to provide guidance to small

¹⁴ In 2021, SafeWork NSW undertook an evaluation of the Incident Information Releases and found 76.9% of surveyed PCBUs had used a SafeWork NSW Incident Information Release to change safety behaviour and compliance in their workplace.

business who aren't sure where to start. It supports small business to easily develop their work health and safety plans.

Since its release, 15,000 hard copies have been distributed, and 17,000 page views or downloads of the complete toolkit on the website have occurred. In addition to this, there were over 190,000 webpage visits in the first two years of the toolkit.

3.2.6 Training

SafeWork NSW runs both in person and online training. This takes a variety of different forms such as seminars, workshops and webinars. Some examples of our key training programs are summarised below:

Workshops

Our SafeWork NSW Inspectors and broader SafeWork NSW staff conduct free workshops on a range of safety, workers compensation, insurance and injury management topics. These can be booked through our website or by calling the hotline. The workshops can range from 20 minutes to two hours.

Webinars

SafeWork NSW has 66 active webinars available on our webinar platform, GoTo. These webinars are available to view on-demand via our website, or by direct link. Some webinars are recorded live with an online audience, while some are pre-recorded for on-demand views only. In 2022, there were 17,648 registrations to view our webinars.

Training

SafeWork NSW delivers a range of online and face-to-face events throughout the year to help educate businesses and workers about WHS. Our upcoming events are promoted through our social media, newsletters and through industry. A link to our upcoming events is on our website. For example, on 1 March 2023, SafeWork NSW hosted a Construction Site Supervisor Workshop on Crystalline Silica in the Construction Industry.

Third party training

SafeWork NSW utilises third parties to deliver specific training programs. This includes for example the Mental Health at Work training delivered by the Black Dog Institute to employers and employees and the HSR training that is delivered by accredited third parties in NSW.

3.2.7 Media and social media

SafeWork NSW has an active media and social media presence.

In the 12 months to January 2023, the SafeWork NSW issued 64 media releases, responded to 220 media enquiries and 54 media requests for data, talking points and questions and answers. We also profiled in the media nine Safe Work NSW events during this period.

SafeWork NSW social media is active on LinkedIn, Meta (Facebook and Instagram), Twitter and YouTube. We use these channels for both paid and unpaid education and awareness campaigns.

Each of these channels has a different strategy and audience we are trying to reach. For example, on LinkedIn we focus on reaching NSW businesses and safety professionals. In 2022, our SafeWork NSW LinkedIn reached 257,284 users organically, and our paid LinkedIn campaigns reached 953,171 users. On Meta (predominately Facebook) we are targeting NSW workers. In 2022, our SafeWork NSW Facebook organically reached 168,916 accounts, but our paid campaigns on Facebook reached 2,753,540 users.

A full breakdown of our social media reach by channel is at Appendix 14.

3.2.8 Advertising campaigns

SafeWork NSW runs advertising campaigns focusing on key safety harms or to raise awareness of key safety risks. Each year we run approximately six paid campaigns under an overarching SafeWork NSW campaign strategy.

By way of example, the SafeWork NSW ran the ‘Safety Starts with You’ multimedia campaign over three years starting in 2017. The campaign strategy was designed to achieve the following:

- Year 1 – encourage people in NSW workplaces to commit to adopt good practice
- Year 2 – encourage people in NSW workplaces to commit to valuing their own safety; and
- Year 3 – encourage people in NSW workplaces to commit to watch out for others.

The campaign used numerous channels including television, press advertising, outdoor advertising, radio, and social media. The campaign reach was significant with:

- Just under 6.6 million impressions of the Safety Starts with You advertising video
- 33 million impressions on digital display
- 5.2 million mobile impressions
- More than 2 million Facebook advertising views and more than 1 million Facebook impressions
- 337,345 LinkedIn impressions with 2,572 clicks for more information; and
- 8.5 million Snapchat impressions with 22,243 swipe ups for more information.

The campaign evaluation and research showed significant change in behaviour over the course of the campaign with some of the key results set out below:

- After having seen the campaign, the number of people who said they were “very likely” to take responsibility for their own safety rose from 66% in 2017, to 68% in 2018 and then 73% in 2019
- The number of people who said they were “very likely” to stop someone from doing something unsafe at work rose from 62% in 2017 to 63% in 2018 and 69% in 2019
- The number of people who said they would be “very likely” to speak out about safety at their workplace rose from 46% in 2017 to 45% in 2018 to 53% in 2019; and
- The number of people who said they were “very likely” to seek advice if they were unsure of the safe way of doing something rose from 53% in 2018 to 61% in 2019.

3.2.9 Newsletters

SafeWork NSW produce a range of electronic newsletters that target particular sectors and issues.

Our main newsletter is the monthly [SafeWork Wrap](#). The Wrap includes information about regulatory changes, compliance with WHS laws, relevant incident alerts and WHS updates, and information that businesses can use to improve or build upon their existing WHS systems. There are 17,310 SafeWork Wrap subscribers.

In addition to this, we have a range of targeted newsletters that focus on particular sectors or harms. For example, we have a [Mentally Healthy Workplaces eNewsletter](#) and a [Health Care and Social Assistance Sector newsletter](#).

3.2.10 Podcasts

SafeWork NSW has a number of [podcasts](#) on a range of WHS topics.

Our main podcast is the SafeWork NSW SafetyCasts that are targeted to the building and construction industry. The podcast is generally delivered by our SafeWork NSW Inspectors and the topics are aligned to current projects, emerging or critical issues.

The audience of the SafetyCast is varied, including trade workers, young workers such as students and apprentices, industry groups, builders and developers and members of the general public. The average length of a Safety Cast is 20 minutes, and they are accessed via the [SafeWork NSW website](#), Apple products, Spotify and Overcast. The full archive of Safety Casts can be accessed [here](#).

In 2022, eleven Safety Casts were published and had 2,155 downloads as at 22 December 2022.

3.2.11 Events

SafeWork NSW hosts and sponsors a range of events throughout the year to raise awareness of WHS, draw attention to particular safety risks and promote innovation in WHS.

SafeWork NSW representatives present and also host stalls at various safety focused, industry and regional conferences and events. In 2022, SafeWork NSW attended 522 events.

Highlighted under the headings below are some of our key events throughout the year:

Work Health and Safety Excellence Showcase

The [Work Health and Safety \(WHS\) Excellence Showcase](#) recognises businesses, industry associations and unions, and individuals for excellence in WHS. In 2022, the showcase replaced the former annual SafeWork NSW Awards.

The new showcase format focuses on sharing the stories of people who are recognised for excellence in WHS, so that businesses can learn and be inspired by one another.

In 2022, the WHS Excellence Showcase attracted 47 entries over two main categories:

- Category 1 (Businesses): Outstanding solution to a work health and safety risk
- Category 2 (Unions and industry associations): Outstanding solution for members managing work health and safety risk/s.

Safe Work Month

Safe Work Month is a national initiative held each October. Each year in October, SafeWork NSW runs large campaigns asking businesses, employers, and workers to join with us in raising work, health and safety awareness and commit to building safe and healthy workplaces for all Australians.

In 2022, SafeWork NSW adopted the national SWA campaign theme, which was “know safety, work safely”. Focus areas were leaders, culturally and linguistically diverse communities, young workers, labour hire and migrant workers.

SafeWork NSW develops resources, toolkits and promotional materials for workplaces to host their own events and hold Safe Work Month discussions. The 2022 materials are available on our [website](#).

Roadshows

SafeWork NSW and NSW Fair Trading jointly run ‘Fair and Safe Together Regional Engagement Roadshows’. The Roadshows are a targeted and intensive visit to a regional location over 3 days where a variety of events, including information sessions, workshops and intervention visits are held. In 2022, the Roadshows were held in Wagga Wagga, Dubbo and Ballina.

23rd World Congress on Safety and Health at Work

In November 2023, Australia will host the [23rd World Congress at Sydney’s International Convention Centre](#). Held every three years, the World Congress is the largest event for the international WHS community and typically attracts between 2,000 – 3,000 delegates from around 120 countries.

Australia’s event is being co-organised by SafeWork NSW, the International Labour Organization and the International Social Security Association.

3.2.12 Stakeholder forums

SafeWork NSW has broad and diverse stakeholders ranging from employer associations, unions, business owners, HSRs, workers, government (including state, federal, and other jurisdictions),

community, media, and vulnerable groups such as young people and people from culturally and linguistically diverse backgrounds.

Engaging with our stakeholders is critical to our education function as it enables us to push messages out and receive valuable information on WHS trends, practices and risks.

We have in place a range of stakeholder forums where we consult and hold regulator meetings to remain connected and current with industry, and to help facilitate a greater interest and engagement level from stakeholders. [Appendix 15](#) provides further detail on our stakeholder forums.

3.2.13 Research and education

SafeWork NSW has set up a research centre that brings together experts in the fields of research, data science, behavioural insights, WHS, regulation, policy and business to collaborate on contemporary safety issues. The Centre for Work Health and Safety aims to leverage cutting edge research and data to create awareness, suggest smarter approaches and bring about behaviour change in WHS in NSW.

The Centre for WHS collaborates on research with universities and other institutions to look at future WHS risks, solve complex WHS risks now and delve deeper into safety behaviour. This research is critical to SafeWork NSW's education functions but also informs our approach to our priorities, how we address workplace safety harms and identify risks.

The Centre for WHS also works in partnerships to ensure research and development insights are turned into tangible outcomes and shared for maximum impact across the community. Some examples of the products, guides, models and scorecards developed to prevent harm and assist workers include:

- [Real-time silica detection](#)
- [Best Practice Guide for flexible and work from home arrangements](#)
- [AI WHS Scorecard](#)
- [Crane safety incident causation model](#).
- [The Healthy Older Worker toolkit](#)
- [How-to Guide – Food Delivery Safety Messaging](#)
- [Safety Climate Scales](#)
- [National WHS Radar](#).

The Centre for WHS supports the community with education and awareness and tangible tools that address WHS harms and is a critical component of our internal education and program planning.

3.2.14 Sponsorship program

SafeWork NSW has a [sponsorship program](#) that provides funding for initiatives that align with SafeWork NSW key action areas and focuses on improving and raising awareness of WHS, and reducing serious injuries, illness, and fatalities in NSW workplaces.

Applicants to the sponsorship program must be based in NSW, provide services in NSW, and meet certain criteria including being a not-for-profit, non-government organisation, local council, or industry association. Examples of the initiatives we will help fund include:

- the development of industry information, guidance or programs,
- the development of a WHS or industry-specific app; or
- training programs beneficial to the broader community/industry.

The program has an annual budget of \$336,000 for WHS initiatives (and program expenses).

Examples of projects funded during the 2021/22 financial year include:

- Mission of Hope Inc. for the Psychological Injuries workshop program
- Youthsafe Online for the development of a training program and resources for workplace supervisors
- The Cooper Storm Memorial Foundation for ‘Start Smart’ a WHS for young workers regional roadshow program; and
- Formwork Industry Association Safe for the development of a Formworker Pilot Training Program.

3.2.15 Rebates

SafeWork NSW has the [Small Business Rebate \(SBR\) program](#), providing up to \$1,000 to assist small business owners in implementing effective safety solutions in their workplace. This includes purchasing items to prevent slips, trips and falls, to support lifting heavy objects, equipment to improve safety of moving plant like forklifts, and to manage hazardous chemicals. See the full list of eligible items [here](#).

To qualify for a rebate, small businesses need to take part in an education activity aimed at promoting better WHS outcomes. The table below provides a summary of the rebate and business investment:

	1 July 2022 – 30 June 2022	1 July 2022 – 12 January 2023
Value of approved rebates	\$1.13M	\$2.35M
Small business investment	\$789K	\$1.91M
Total investment (applicant investment + small business rebate paid out)	\$1.92M	\$4.26M
Number of businesses who received a rebate	1,775	2,694

Figure 21: Summary of the Small Business Rebate

3.2.16 Measuring the performance and effectiveness of our education activities

Education is one part of SafeWork NSW’s approach to increasing WHS compliance, increasing PCBU and workers understanding of their rights and responsibilities under WHS Laws, and our delivery on our SWA Strategy and SafeWork NSW strategies.

Generally, our education functions effectiveness is measured at a program level through an evaluation looking at reach and engagement with a particular program. For example, this can be through:

- a survey of participants at the end of training sessions
- pre-and post-campaign research reports looking at changes in workers/business attitudes as a result of the campaign
- reach of a particular post or advertisement on social media and whether this resulted in individuals connecting to the website content; and
- evaluations of the effectiveness of targeted education programs such as the QBSIP and the Mentally Healthy Workplaces Strategy.

We also consider education as part of our performance against the:

- SWA Strategy – for example contributing to overall reduction in workplace incidents and fatalities; and
- SafeWork NSW strategies including the WHS Roadmap and now the 2023 Regulatory Priorities.

4

TOR 3: Governance and Culture

4.1 Governance

SafeWork NSW has two separate but overlapping governance structures:

1. **Corporate Governance** – which are our frameworks, policies, procedures, systems and ways of working to ensure we as an organisation meet the requirements of relevant laws, regulations, published standards and community expectations of probity, accountability and transparency, and
2. **Regulatory Governance** - which are our frameworks, policies, procedures, systems and ways of working specific to our overall performance as a regulator and service provider.

An overview of these governance arrangements is set out under the relevant headings below.

4.1.1 Corporate Governance

SafeWork NSW's corporate governance is led and supported by the broader Department of Customer Service. We have the benefit within the Department of centralised corporate services include People and Culture, Legal, Risk, Governance, Internal Audit (including investigations), Information Technology, Media, Information Management and Security and Finance.

The centralised functions also form part of SafeWork NSW's governance, compliance and risk framework providing audit functions, oversight committees, policies, systems and processes, as well as expert business partners who understand our operations and provide advice to SafeWork NSW.

The frameworks that support our corporate governance arrangements are managed and regularly updated by experts across our Department in consultation with the Better Regulation Division (including SafeWork NSW).

The key frameworks supporting the corporate governance structure are set out below:

Risk Management

The Department of Customer Service Risk Policy sets out the principles and requirements that guide our risk management activities. This is supported by the Department of Customer Service Risk Management Framework that provides an understanding of how the different components – people, policies and standards, and systems – fit together to provide an integrated risk management methodology.

All staff have a responsibility to identify risk, and some staff have specific roles to play in the risk management process – as owners of risks, controls, or risk treatments.¹⁵

Our risk management approach is based on:

- i. **A top-down approach**

The Secretary and Executive Leadership Team set the tone for risk management through the Department and promoting a positive risk culture.

As part of our top-down approach, we have a published risk appetite statement setting a strong 'tone from the top' about the importance of effective risk management to support a strong risk culture. The Risk Appetite Statement sets out the level of risk we are prepared to take to achieve our strategic objectives.

This informs our approach to risk management in our divisional risk register and dashboard reporting and supports decision making.

¹⁵ Our risk management approach aligns with Australian Standard AS ISO31000:2018 – *Risk Management – Guidelines* and meets the requirements of Treasury's Internal Audit & Risk Management Policy for the General Government Sector (TPP20-08).

ii. **A bottom-up approach**

The Department requires all our people to raise concerns, identify and monitor specific risks, and generate the relevant data to inform our Executive’s strategic vision.

Identifying and managing risks from a bottom-up perspective is important because it helps us make sure that we have a comprehensive view of our risks.

Our approach to risk management is underpinned by the Three Lines of Defence Model that is summarised in the Figure below:

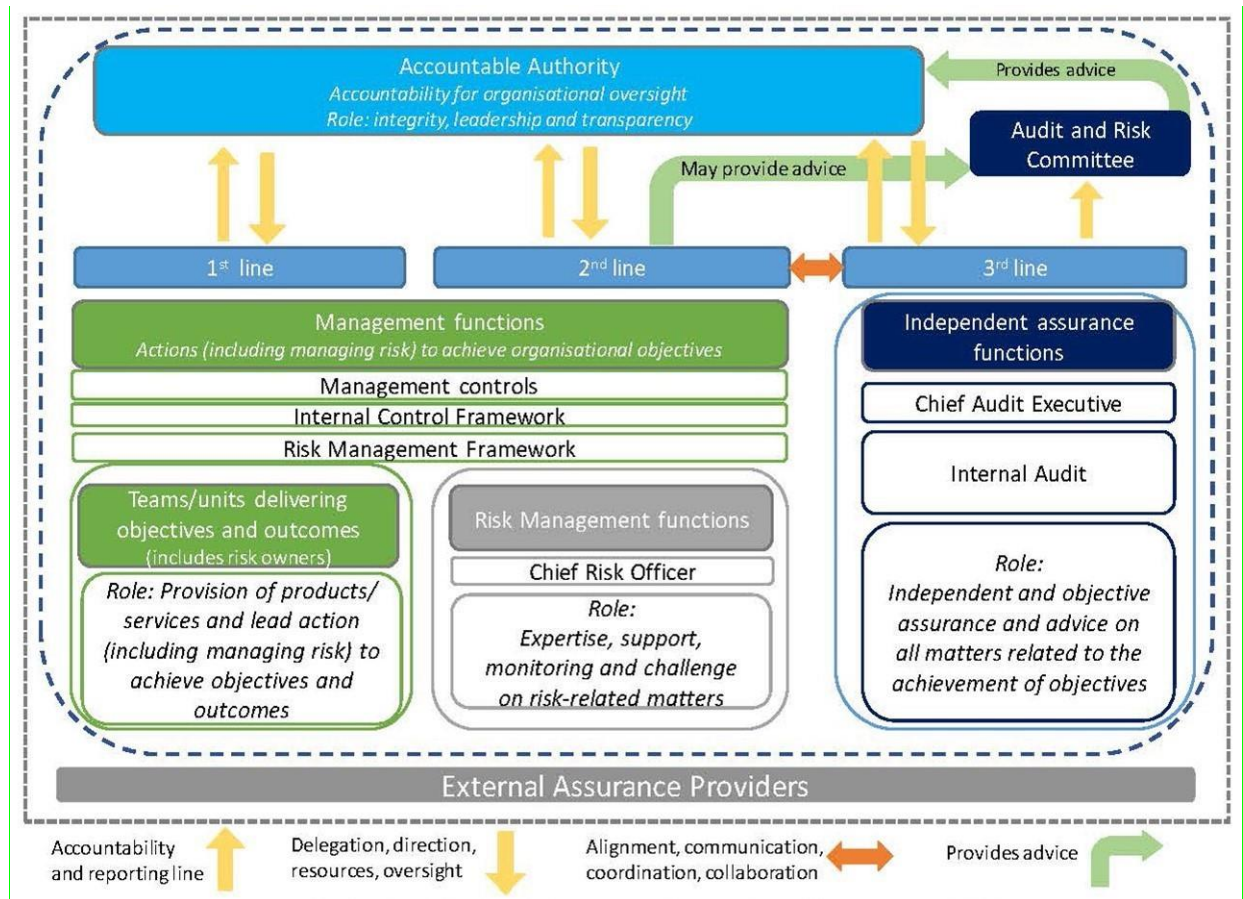


Figure 22: Approach to Risk Management

SafeWork NSW is supported by the BRD Business Risk team which has responsibility for improving risk maturity, capability, and awareness across the Division. The Business Risk team provides advice and support to SafeWork NSW in identifying, managing and reporting risks and assists them in implementing best practice risk standards, frameworks, policies and processes.

The BRD Business Risk team also manages other risk and governance related disciplines with and on behalf of SafeWork NSW including business continuity, probity and disclosure, internal compliance, internal audit and records management, aimed at improving and enhancing regulatory performance, decision making and collaboration.

Values

All NSW public sector employees have a responsibility to behave ethically, act with integrity and in the public interest. The NSW public sector has defined core NSW public sector values of Integrity, Trust, Service and Accountability. These values have been actively promoted across the Department of Customer Service.

Clear expectations - corporate policies and training

The Department of Customer Service has in place corporate policies that cover functional activities across the Department, setting clear expectations for our people. These policies cover the areas of:

- Audit, Risk, Compliance and Ethical Conduct
- Complaint Handling, Customer Service
- Employment related, work health and safety, workforce
- Finance
- Procurement
- Cyber Security, Information Management
- Workplace and Facilities, and
- Cabinet and Ministerial.

Fundamental to these policies is the Department of Customer Service Code of Ethics and Conduct which is designed to help all our people understand and know who we are, what we stand for and how we operate with each other, our sector colleagues and our customers.

The Public Service Commission's Code of Ethics and Conduct is the foundation to our Code of Ethics and Conduct. It outlines how we:

- deliver outcomes to customers, making sure we consider the ethical foundations of our work
- role model behaviour that promotes and maintains public confidence and trust in our services, and
- create and promote the best possible working environment for all of us at the Department of Customer Service.

Supporting our corporate policies is a mandatory training program for all new starters, including contractors in the Department. This is to ensure that our people are aware of their obligations, understand what constitutes ethical conduct and are knowledgeable of the laws, regulations and internal policies relating to their roles.

To support our people, ongoing refresher training modules need to be re-done every one to two years. Our myCareer system keeps a record of completed modules and reports these to management.

In addition to this, we have campaigns across the year as reminders of our policies. These are communicated in a variety of channels including newsletters, email, video, Yammer posts, and in Town Halls.

Decision Making

The Department of Customer Service Delegation Manual provides clear decision-making powers and thresholds for administrative, human resources, financial and procurement decisions.¹⁶

¹⁶ The Department of Customer Service Delegations is based on and complies with the delegations contained in the following instruments:

- Instrument of delegation under the *Government Sector Finance Act 2018* made by the Minister for Customer Service – signed by Minister Dominello on 16 August 2019
 - Joint instrument of delegation under the *Government Sector Finance Act 2018* in relation to the Department of Customer Service – signed by Minister Dominello on 16 August 2019 and Minister Anderson on 22 August 2019
 - Instrument of delegation under the *Government Sector Finance Act 2018* made by the Minister for Better Regulation and Innovation – signed by Minister Anderson on 28 August 2019
-

The Department of Customer Service Delegation Manual supports our decision making across the Department.

There are systems in place to support the application of delegations, including through the corporate document control and approvals system - eApprovals.

Oversight – strategy, direction, monitoring and assurance

Our corporate governance is supported by a number of committees with complementary purposes in setting strategy, direction, monitoring and assurance. At a Departmental level these committees are:

- Executive Leadership team
- Finance Committee
- ICT Committee
- Audit and Risk Committee
- Management and Assurance Committee, and
- Performance and Prioritisation Committee.

These forums are all supported by governance structures of their own including terms of reference, chairs, and secretariat functions.

Underneath this structure, at a Divisional level, there are governance committees and forums who focus on our Divisional strategy, direction, monitoring and assurance. More information is provided about these forums below at [Regulatory Governance](#).

Reporting

There are a range of internal reporting tools in place to monitor performance against targets, budget, projects, and strategies. These are provided in dashboards to Executives and others as appropriate. In addition to this, there are deep dive reporting to support decision making and assurance processes.

As an example, our People and Culture team have built a dashboard that shows key data with breakdowns to team level on areas such as:

- employee and contractor headcount
- analysis of gender by pay band and grade
- reporting against our diversity and inclusion targets
- leave balances
- employee exits
- hazard reporting metrics and status of assessments
- incident reporting metrics and status of investigations, and
- injury reporting and break down including response type (first aid, medical treatment) and injury type.

This is complemented by quarterly workforce insights report that deep dives into trends and areas of opportunity.

-
- Secretary's Instrument of Delegation and Subdelegation under the *Government Sector Finance Act 2018* - signed by Emma Hogan on 04 April 2020
 - Secretary's Instrument of Delegation under the *Government Sector Employment Act 2013* – signed by Emma Hogan on 07 December 2021; and
 - Administrative Authorisations Instrument made by the Secretary – signed by Emma Hogan on 04 April 2020.

There are also a range of external reporting provided to other government agencies, and publicly as part of our commitment to transparency and accountability. This includes the DCS Annual Report and Outcome Budgeting reporting.

There are a range of other mechanisms in place supporting our corporate governance, many of which are led through our specialist teams including People and Culture, Internal Audit (including investigations), Information Technology, Information Management and Security and Finance.

4.1.2 Regulatory Governance

SafeWork NSW regulatory governance systems are in place to:

- support and monitor the performance of SafeWork NSW's delivery of its functions as a regulator as set out in section 152 of the *Work Health and Safety Act 2011*
- support and monitor the performance of SafeWork NSW's strategies and targets, and
- provide clear accountabilities, decision making, and assurance processes.

The key frameworks supporting the regulatory governance structure of SafeWork NSW are set out below:

Vision and Purpose

SafeWork NSW as part of the BRD is committed to delivering on our purpose to make NSW safer, fairer and more productive. Together, we are all striving to achieve our vision of being Australia's most trusted and customer-centric regulators.

Within the BRD, and in SafeWork NSW, we make a meaningful difference in the lives of the people of NSW. Our people also share the Safe Work Australia vision of 'Safe and healthy work for all'. It is what motivates us to do better every day.

Accountability – roles and responsibilities are clear and understood

All our people have a responsibility for good governance. To support this, we have in place a clear organisational structure, and ensure that roles and responsibilities are understood.

BRD's organisational structure is designed to ensure effective alignment of functions and operations. The structure promotes clear lines of reporting and accountability within and between the organisational groups to support appropriate, open and transparent communication and decision making. The structure creates opportunities for collaboration and capability development that standalone regulators do not have access to.

Beginning with the Head of Safe Work NSW and Deputy Secretary BRD, our functional streams have a cascading hierarchy for decision making. At a high level, our structure provides that:

- our Executive Directors are accountable for the overall strategic direction of SafeWork NSW, high-end information sharing, approvals, and managing matters escalated by management or other governance committees / operational working groups
- our Directors are responsible for bringing the strategic direction and vision to a directorate level, ensuring delivery and performance by area, including resourcing plans, to meet our obligations under our enabling legislation. The Directors often lead and contribute to tactical committees, working groups and forums that provide oversight across regulatory functions and issue escalation from these forums for decision; and
- our operational staff conduct our regulatory functions, managing and prioritising business objectives and meeting our obligations under our enabling legislation. The operational staff often are members of working groups and communities of practice who share knowledge and learnings but also raise trends, risks and areas of opportunity.

There are key instruments in place to support clear accountabilities including:

- the DCS Delegation Manual that provides clear decision-making powers and thresholds for administrative, human resources, financial and procurement decisions

- instruments of delegation for each piece of legislation we administer that delegate authority to carry out specific functions or activities to identified roles. The instruments of delegation enable decision-making authority at the right level, empowering relevant SafeWork NSW employees to make decisions and take action under legislation, and
- SafeWork NSW's legislation also provides specific requirements and powers relating to certain roles, including SafeWork NSW Inspectors.

To support our SafeWork NSW employees in performing their functions under delegation or as set out in legislation, we have developed training, policies, procedures and guidance notes underpinned by processes and systems to support our people to understand and utilise their powers and responsibilities. These include:

Training and qualification programs from our Business Capability and SafeWork Registered Training Organisation

SafeWork NSW is a Registered Training Organisation (RTO) registered by the Commonwealth Government's National Vocational Education and Training (VET) Regulator – Australian Skills Quality Authority (ASQA).

The SafeWork NSW RTO operates in accordance with the VET Quality Framework as outlined in the National Vocational Education and Training Regulator Act 2011.

The SafeWork NSW RTO provides services to SafeWork NSW Inspectors in terms of gaining and maintaining relevant qualifications and continuing professional development programs.

All new SafeWork NSW Inspectors are required to complete the New Inspector Training Program. The New Inspector Training Program is a 12-month comprehensive training program which prepares new Inspectors to perform the duties required of an Inspector within SafeWork NSW. An integral part of this program is that all new Inspectors undertake training and complete assessments required for the PSP50122 Diploma of Government (Workplace Inspection) qualification.

The training program is designed to ensure that new Inspectors develop specific competencies required for the role of the Inspector. It includes both formal classroom training and on-the-job skills development. The length of the formal training program is typically 29 weeks, comprised of 16 class weeks of face-to-face, virtual and blended learning and 13 field weeks of on-the-job skills development and supervised workplace visits.

Ongoing development for existing Inspectors is through the SafeWork NSW Inspectorate Continuing Professional Development program. The purpose of the program is to build and enhance capability to enable delivery of exemplary regulatory services and minimise the risk of regulatory failure. This program has five training streams focusing on mandatory Business Practices and Processes, Professional Capabilities, Technical Capabilities, Core Capabilities and Emerging and Priority Issues.

The RTO also provides more advanced training programs and formal qualifications as SafeWork NSW inspectors progress throughout their career, including the Advanced Diploma of Workplace Inspection.

Ongoing training, processes, and procedures from our specialist Operational Practice team

SafeWork NSW is supported by an Operational Practice Team that maintains a range of tools, resources and training for SafeWork Inspectors including:

- the Work Health and Safety Documented Operations Manual (WHSDOM) a consolidated reference manual that guides and underpins the operations of SafeWork NSW. It is comprised of SafeWork NSW policies, procedures, flowcharts, forms, notices, checklists, guidance material, WSMS system user guides and resources,
- Inspectorate Practice Notes – are documented mandatory directions given under section 162 of the Act to the SafeWork NSW Inspectorate to reinforce existing, or to introduce change to, regulatory practice. These are usually introduced or updated when legislative changes are made, and

- Communities of Practice and other forums for improving capability and consistency of inspector response work such as the Inspector Practice Group (see explained in more detail below in [Monitoring performance - governing bodies, committees and working groups](#). [Forums across the Better Regulation Division](#))

SafeWork NSW has the benefit of working with other regulators within its division. This creates opportunities for collaboration and learning across teams but also in formal groups such as our Regulatory Innovation Community of Practice and Regulatory Oversight Committee (see explained in more detail below [Monitoring performance - governing bodies, committees and working groups](#)).

Forums and guidance across jurisdictions

SafeWork NSW is a member and participates in a number of forums for the WHS regulators nationally and internationally.

For example, NSW is a member of the HWSA group, comprising representatives of the jurisdictional bodies responsible for the regulation and administration of WHS in Australia and New Zealand. The members work together to promote and implement best practice in WHS in the areas of policy and legislative matters, education and enforcement. HWSA runs national compliance campaigns targeted at specific industries. HWSA also has working groups looking at specific harms from a national perspective and produce guidance materials and best practice guides.

There are a range of other forums in which SafeWork NSW participate, including SWA.

Monitoring performance - governing bodies, committees and working groups

SafeWork NSW's regulatory governance structure is underpinned by three levels of decision-making forums: Strategic, Tactical and Operational.

The forums include SafeWork NSW specific regulatory forums and combined governance forums across the BRD regulators, to streamline the flow of decision making, best practice and communications across the division.

The governance structure creates three levels of forums:

- **Strategic:** Executive forums providing strategic response, high-level information sharing, strategic decision making, directions, and monitoring compliance and assurance across legislative functions and other key performance indicators/targets
- **Tactical:** BRD-wide mechanism of decision-making, prioritisation, oversight and cross collaboration forums, and
- **Functional / Operational:** Stream leadership forums and key cross-stream regulatory practice operational committees or working groups.

The below figure summarises the key regulatory governance forums, committees and working groups:

SafeWork NSW Committees for strategic oversight and decision making						
Strategic Focus - Delivery of our SafeWork NSW functions, the 2023 SafeWork NSW Regulatory Priorities and SafeWork NSW Targets/KPIs						
Meeting	Composition	Better Regulation Division Executive Meeting Chair: Deputy Secretary, Better Regulation Division Secretariat: Executive Officer to the Deputy Secretary Meeting cadence: Weekly and Monthly Purpose: strategy setting, discuss, decide and lead on matters from a BRD wide importance, review of escalations, assurance over business performance and governance of BRD	SafeWork NSW Leadership Group Chair: Director, Research and Evaluation Secretariat: Executive Officer to the Executive Director Compliance and Dispute Resolution Meeting cadence: Quarterly Purpose: SafeWork NSW decision making and reporting	Reporting Planning and Performance Committee Chair: Deputy Secretary, Better Regulation Division Secretariat: Executive Officer to the Deputy Secretary Meeting cadence: Quarterly Purpose: Audit and risk workshop, review of key reporting on strategy, operational performance and key projects	Regulatory Practice Oversight Committee Chair: Executive Director, Investigation and Enforcement Secretariat: Special Project Officer to the Executive Director of Investigations and Enforcement Meeting cadence: Bi-monthly Purpose: Oversee implementation/operation of legislative and external policy	BRD Executive People Committee Chair: Deputy Secretary, Better Regulation Division Secretariat: Executive Officer to the Deputy Secretary Meeting cadence: 6 weekly Purpose: BRD People and WHS focused strategy, governance and reporting, as well as decision making on people focused matters of BRD wide importance
		Tactical Focus - Delivery of our SafeWork NSW functions, the 2023 SafeWork NSW Regulatory Priorities and SafeWork NSW Targets/KPIs				
Meeting	Composition	Policy Coordination Committee Chair: Executive Director, Policy and Strategy Secretariat: Executive Officer to the Executive Director Policy and Strategy Meeting cadence: Bi-monthly Purpose: To coordinate/share information, & consider options/impacts of policy related matters.	SafeWork Regulatory Practice Oversight Committee Chair: Director, WHS Metro Meeting cadence: 6 weekly Purpose: Ensure that regulatory policy and practice is responsive to the strategic policy positions, decisions and implications arising from within SafeWork NSW.	Investigation Decision Making Panel Chair: Rotating Secretariat: Directorate Support Officer, Investigations and Emergency Response Meeting cadence: Monthly Purpose: SafeWork NSW's approach to determining which matters will proceed to further investigation with the intention of prosecution based on guiding principles.	Enforceable Undertaking Panel Chair: Deputy General Counsel, Department of Customer Service Secretariat: EU Advisory Service and Operational Support Team Meeting cadence: Monthly Purpose: Consider and review applications for enforceable undertakings as an alternative to prosecuting a contravention.	Sponsorship Governance Committee Members: Directors of SafeWork NSW and Better Better Regulation Division with a representative from Internal Audit Purpose: Oversee sponsorship program and make recommendations on decisions for sponsorships for approval by the Deputy Secretary
		Regulatory Innovation Community of Practice Chair: Director, Construction Metro Secretariat: Administrative Officer to the Director of Construction Metro Meeting cadence: Quarterly Purpose: Forum for professionals across the BRD to network, share information and insights and build best practice and capability to support innovative BRD and DCS regulatory outcomes.	Rebate Governance and Oversight Committee Members: Directors of SafeWork NSW Purpose: Oversee the Small Business Rebate, the Quad Bike Rebate and will oversee the implementation of the Pilot Defibrillator Rebate.			
Meeting	Composition	Operational Focus - Delivery of our SafeWork NSW functions, the 2023 SafeWork NSW Regulatory Priorities and SafeWork NSW Targets/KPIs				
		WHSDOM Review Working Group Chair: Manager, Operational Practice Secretariat: Special Project Officer to the Manager of Operational Practice Meeting cadence: 6 weekly Purpose: To review revised documents for inclusion, amendment or removal in WHSDOM and issues associated with the ongoing development and management of WHSDOM.	Inspector Practice Working Group Chair: Maree Davidson Secretariat: N/A Meeting cadence: N/A Purpose: Inspector representative group from across SafeWork NSW to collaborate on improvements to inspector practice. The IPG is established under and supports the SafeWork Regulatory Practice Oversight Committee (RPOC) and WHSDOM Review Working Group to provide advice and input into decisions, and examine issues arising from regulatory practice.	Stream based leadership groups Each functional stream holds leadership meetings.	Serious Incident Review Panel Each SafeWork NSW directorate has their own Serious Incident Review Panel or equivalent body that reviews matters before referral to the Investigation Decision Making Panel.	First Response Community of Practice Chair: Rotating (Currently a SafeWork NSW Assistant State Inspector) Secretariat: N/A Meeting cadence: N/A Purpose: Inspector representative group from across SafeWork NSW to collaborate on issues arising & improvements to first response practice. The FRCoP is complementary to the Inspector Practice Group (IPG), WHSDOM RWG and the Regulatory Practice Oversight Committee (RPOC).
Meeting	Composition	Directorate and Team based meetings Each directorate and team hold meetings.				
Note	Projects have governance structures developed for their project and are monitored by the Project Management Office and the BRD Regulatory Planning and Performance Steering Committee					
Note	External Boards, Committees, Forums, and working groups are not included in this structure					
Note	A number of internal consultative forums, committees and groups are not included into this structure					

Figure 23: Summary of the SafeWork NSW Committees for the purpose of oversight and decision making

There are clear and agreed reporting cadences to various forums to support decision making but also to monitor performance of the organisation.

Business risks are identified and managed appropriately

Our governance framework shown above has an appropriate system of risk oversight and internal control, supported by the Business Risk team to enable effective identification and management of risk(s) as they arise.

Stakeholder engagement

SafeWork NSW as part of the BRD has a Stakeholder Engagement Framework. It provides a structure for engagement with all stakeholders both proactive and reactive underpinned by the key principles that our engagement is:

- transparent
- purposeful
- respectful
- collaborative, and
- inclusive.

Integrity - Our culture is representative of responsible and ethical decision making

Our governance forums, together with our Executive leaders set the tone for ethical and informed decision making.

Contributing to expectations around ethical decision making are our corporate policies and compulsory training program for new starters in SafeWork NSW and ongoing refresher training throughout an employee's career. For more information see [Clear expectations - corporate policies and training](#).

4.2 Culture

Culture within a workplace is made up of various factors. We have outlined in this section some of the aspects of the workplace culture, the work done towards continuously improving the SafeWork NSW culture and some of the factors that impact on the organisation, workforce and culture.

Shared vision, purpose and values

SafeWork NSW and the broader BRD are committed to delivering on our shared purpose to make NSW safer, fairer and more productive, and championing the NSW Public Sector values of integrity, trust, service and accountability. Together, we are all striving to achieve our vision of being Australia's most trusted and customer-centric regulators.

Our primary customers are the people of NSW, and our role is to keep them safe. Many people ask for our help, and some do not. Even when our customers are involuntary, we apply the NSW Customer Commitments when interacting with them.

Within BRD, and in SafeWork NSW, we make a meaningful difference in the lives of the people of NSW. Our SafeWork NSW people also share the SWA vision "Safe and healthy work for all". It is what motivates us to do better every day.

In July 2022, following consultation and engagement across BRD, the new vision and purpose were launched. We have received positive uptake of the new vision and purpose which has created a new sense of unity and belonging across the regulators. KPMG conducted a survey of 499 BRD staff on customer experience just after the introduction of the new vision and purpose (this included 150 staff in 100% SafeWork NSW roles and not including staff who perform joint regulatory roles).

The survey found that 70% of staff agree they have a clear understanding of BRD's vision in relation to customer experience; and 84% of staff are supportive of adopting a more customer-centric way of working.

Workforce

As at 15 February 2023, there are 603 dedicated SafeWork NSW employees that includes 333 SafeWork NSW Inspectors. There are also large number of staff who support SafeWork NSW as part of their role alongside other regulators within the BRD and broader Department of Customer Service.

Our SafeWork NSW Inspectors have strong retention rates, with many inspectors staying with the agency for many years even with the potential for higher pay and benefits in the private sector and other parts of the public sector. For example, 24% of our SafeWork NSW Inspectors have been with the Public Service for more than 20 years, and 166 of the current cohort have been with the Department since the transition in 2015 from the WorkCover Authority of NSW to SafeWork NSW.

The table below provides a summary of the SafeWork NSW Inspector attrition rate over recent years compared to the broader Department of Customer Service attrition rate:

Year	Yearly Average Number of SafeWork NSW Inspectors	Attrition rate of SafeWork NSW Inspectors	DCS attrition rate
2020	303.5	5.3%	13.2%
2021	313.5	8.6%	17.9%
2022	331	10.6%	17.3%

Figure 24: Inspector attrition rate

Note – the attrition rates include voluntary and involuntary departures of SafeWork NSW Inspectors and SafeWork NSW Inspectors who have left the Department. The attrition rate does not include SafeWork NSW Inspectors who have moved into another role within SafeWork NSW such as senior management.

Recently we have seen an increase in SafeWork NSW Inspector turnover, which was anticipated due to the ageing of significant sections of the public sector workforce generally, including the inspectorate.

In the 2021/22 Financial Year, 100 (nearly one third) of our SafeWork Inspectors were 56 years or older, and 21 of those Inspectors were over the age of 65. We are expecting an increase in retirements or transitions to retirement in coming years and have been planning for this with increased recruitment activity in our inspectorate.

In addition to this, SafeWork NSW, like many other organisations has seen a general increase in resignations since the COVID-19 pandemic.

International Labour Organisation Benchmark

SafeWork NSW's Inspector numbers are determined based on an internationally accepted benchmark produced by the International Labour Organisation (ILO). The ILO benchmark indicates that in industrial market economies there should be at least 1 inspector for every 10,000 workers.

SafeWork NSW is currently provided with funding that enables the employment of 370 Inspectors across NSW. Due to recent growth in NSW businesses that is predicted to be sustained in the medium-term, additional Inspectors are required for SafeWork NSW to meet the ILO benchmark.

Based on current NSW employment activity, 370 Inspectors results in a ratio of 1 inspector to every 11,759 workers, with an additional 65 inspectors required to reach 1 in 10 000. Further, assuming that NSW employment activity continues to grow annually in line with historical averages, SafeWork NSW would need around 441 Inspectors by the end of 2024 and 448 by the end 2025.

SafeWork NSW's ability to achieve and maintain a full headcount is affected by a number of factors, including budget, an ageing workforce, industry-wide labour shortages in specialist skilled areas, rates of pay in the government sector compared to the private sector, natural attrition, and the capacity to train new inspectors through the RTO.

Organisational changes

The history of the structure and organisational arrangements of SafeWork NSW are set out at [Section 1.1.3](#) of this submission.

One of the factors that has had some impact on the SafeWork NSW culture for some staff has been Machinery of Government changes in recent years.

The former entity WorkCover Authority of NSW existed largely unchanged since being formed in 1989. On 1 September 2015, WorkCover Authority of NSW was replaced by three new entities – The State Insurance Regulatory Agency (SIRA), Insurance and Care NSW (icare) and SafeWork NSW, the new work health and safety regulator. At the time, SafeWork NSW was included as part of the Department of Finance, Services and Innovation.

These changes were part of reforms to improve the workers compensation system for both employers and injured workers.

When these changes occurred, there was a clear indication from some staff that they were dissatisfied with the change and felt the organisation had lost its identity. Some SafeWork staff continue to voice their preference to return to the former WorkCover Authority of NSW.

In mid-2019, the Department of Finance, Services and Innovation was replaced by the Department of Customer Service.

The views of some staff at that time, were that they did not have ‘customers’, and as regulators that was not how they should view the businesses, workers, representatives and bodies that they engaged with. The change in service delivery to a customer focus is widely accepted today, and as noted elsewhere in this submission there is broad support for the vision of BRD ‘to be Australia’s most trusted and customer-centric regulators’.

In the second half of 2019, it was announced that the regulators in BRD would be realigned to a functional structure. The new functional structure created new ways of working based on a model where roles and responsibilities are co-located by type of regulatory function. The realignment aimed to drive and enable regulatory consistency, best practice, and the transfer of skills and capability across regulators.

There have been benefits to the functional structure including to:

- increase collaboration and joint regulatory efforts across regulators
- develop and apply best practice approaches to regulatory response across regulators
- share data and analytics to increase the view of customer, business and industry across regulators, and
- create regulatory communities of practice to share learnings and opportunities.

Some of the distinct benefits of the organisational arrangements were evident during the COVID-19 pandemic where the NSW Government brought together a number of key NSW regulators to assist with the whole of government approach to compliance with the NSW Public Health Orders.

The functional structure of BRD meant that three of BRD’s regulator agencies at that time (i.e., SafeWork NSW, NSW Fair Trading, and Liquor & Gaming NSW) were able to collaborate efficiently and effectively with centralised systems and leadership. This resulted in these three regulators under BRD conducting over 24,000 compliance inspections relating to the Public Health Orders, the largest contribution of any regulatory agency in NSW (not including NSW Police).

Focusing on regulatory best practice

In recent years SafeWork NSW as part of BRD has introduced changes to the approach to compliance functions in keeping with contemporary regulatory practices.

A significant change has been the increasing shift to proactive effort rather than a being a predominantly reactive regulator. This means instead of reacting once an incident occurs, SafeWork NSW conducts proactive compliance operations looking for risks and hazards before an incident occurs.

Our strategic plans have been refreshed to have a goal of 60% proactive and 40% reactive approach to compliance. This means we continue to respond to incidents and treat these seriously, but incident response is not our only approach to compliance.

To support our proactive regulatory approach, there has been an increasing focus on using data to inform compliance and enforcement operations. This enables us as a regulator to target higher risk industries and businesses and high-risk harms. This more efficiently and effectively uses finite resources.

These changes have not been embraced by some SafeWork NSW staff.

Re-location of staff

In recent years, there have been organisational relocations that have impacted some SafeWork NSW staff. 's

The first significant change was to move the head office of SafeWork NSW's predecessor agency, the WorkCover Authority of NSW, to Gosford in the early 2000s. While this was a major change at the time, it has since become an established part of the current SafeWork NSW identity, as well as being a major support to local employment and activity.

In March 2020 all BRD staff located in offices in and around central Sydney and smaller suburban offices relocated to Parramatta. This introduced activity-based working and 'hot desking', flexible and shared spaces and resources, and co-location of larger numbers of teams.

The change management process put in place to support this move enabled staff to be better prepared for the impacts of COVID restrictions, by ensuring teams were prepared to work across different locations, had access to 'work anywhere' IT systems and had dedicated support as they transitioned into the new way of working.

It is noted that these changes have not been welcomed by all SafeWork NSW staff.

The changes set out above have been supported by cluster-wide and/or Divisional change programs to support all staff to understand the need for and benefits of the changes, and to support those team members that feel particularly impacted by change.

SafeWork NSW Inspectors have a separate Award

The majority of staff within the Better Regulation Division are engaged under the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 that sets out provisions relating to conditions of employment including working hours, leave, allowances, shift work and overtime for staff.

Our SafeWork NSW Inspectors have different and relatively more beneficial terms and conditions of employment set out under the Crown Employees (Department of Customer Service - SafeWork NSW Inspectors 2007) Reviewed Award (SafeWork Inspector Award).

While the provisions of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 apply to an Inspector, additional provisions are applied under the SafeWork Award.

All SafeWork Inspectors are allocated a motor vehicle to enable the efficient and effective operation of SafeWork NSW services. The motor vehicle allocated to an Inspector is available for private use by the Inspector, subject to the SafeWork NSW Motor Vehicle Private Use Scheme.

These motor vehicles are allocated, along with a package of conditions including a 38-hour week. An Inspector's contract hours for one day are equivalent to 7 hours and 36 minutes, which are used to calculate leave entitlements and for SafeWork NSW to determine the standard hours for an Inspector.

The SafeWork Inspector Award also sees an additional benefit of the SafeWork Mutual Sick Leave Fund (the Fund). The Fund is a pooled contribution of sick leave from all SafeWork Inspectors and is an additional entitlement to an Inspector's annual sick leave entitlements. The operations of the Fund are set out in Clause 11 of the SafeWork Inspector Award.

The SafeWork Inspector Award provides for the operation of the After-Hours Emergency Response Service (AHERS). The AHERS is a crucial function of SafeWork NSW, providing the mechanism for rapid response to an emergency workplace incident that occurs outside SafeWork NSW standard hours (8:30am - 4:30pm Mon-Fri excluding Public Holidays). Supported by the SafeWork Award, in June 2022, to increase participation in the AHERS, new rates for participating AHERS staff who would receive one hour at overtime rates (double time as calculated below) for being on-call each day, in addition to the Roster (On-Call) Allowance, Call (Disturbance) Allowance, and any other payable overtime provisions.

The SafeWork Inspector Award contains the Inspector Classification which has two streams, Inspectorial and Managerial, and sets requirements (skills, knowledge, and training) for recruitment and progression. These provisions have been updated and modernised in 2019 and 2023 to increase the pool of candidates and to remain relevant to the work undertaken in the roles

Consultation and engagement with staff

There are a range of formal mechanisms in place across the BRD to focus on developing, engaging, supporting and consulting with our people. These include:

- BRD Town Halls and Newsletters led by the Deputy Secretary
- BRD Executive People Committee
- DCS Peak Joint Consultative Committee
- BRD Consultative Sub-Committee
- WHS Committee
- SafeWork NSW Vocational Group
- HSR Catch Up
- Location based WHS Oversight Committees and Consultative Working Groups such as the 4PSQ Consultative Working Group
- Business Unit Leadership meetings; and
- Directorate and Team meetings.

In addition, staff have access to DCS-wide consultation regarding common policies and communication channels to ask questions and raise issues across BRD and DCS.

People Matter Employee Survey

The People Matter Employee Survey (PMES) is an annual anonymous staff survey conducted across the NSW public sector by the NSW Public Service Commission and Big Village, an external service provider.¹⁷

The PMES asks employees about their experience and perceptions of a range of workplace issues and practices, including management and leadership, service delivery, employee engagement, diversity and inclusion, public sector values, and unacceptable conduct.

The privacy of survey respondents is an important aspect in the design and management of the survey. The survey data is aggregated for reporting and response thresholds are applied to ensure that all survey responses remain anonymous and confidential. The reports only show results for groups when 10 or more people in the group have responded. Open text comments must have 30 respondents for results to be produced.

Results are restricted where responses fall below minimum levels. Engagement scores are produced for teams with 10 or more responses; however a report has information restricted where

¹⁷ Big Village is a member of the Association of Market and Social Research Organisations (AMSRO) and adheres to the Privacy (Market and Social Research) Code 2014 (the Code).

responses for demographic information is below 50 in each group. Comments are not released for groups where there are less than 30 responses.

The summary results of the survey help agencies identify elements of good practice and areas in need of further improvement.

Results from the PMES

SafeWork NSW has seen steady improvements to the PMES results with overall employee engagement improving as summarised in the figure below:

Year	SafeWork NSW (or Better Regulation Division) Overall Engagement Result	NSW Public Sector Overall Engagement Result
2016	64%	65%
2017	63%	65%
2018	63%	65%
2019	65%	66%
2020	67%	66%
2021	70%	67%
2022	71%	64%

Figure 25: Summary of overall engagement results in the PMES

We acknowledge that there is still work to be done to improve our employee engagement, however the PMES results indicate the work being done across the Division and business units are gaining traction with our people.

The PMES data is used to prioritise People and Culture programs of work including recently within the Department of Customer Service the development and launch of My Contribution (performance planning) and expansion and promotion of MyCareer (online staff development platform).

Approach to taking action on the PMES

Following receipt of the PMES results, in recent years the division and each functional business unit have set action plans for the next twelve months. These are usually developed with ‘deep dives’ with employees to generate greater understanding of the results of the survey (i.e. identifying the key insights for each team rather than only dealing with aggregated results) and consultation sessions are held with staff on areas of concern and where there are opportunities to improve.

For example, arising from the 2022 PMES results the Better Regulation Division is focusing on three key areas: burnout, recruitment and development and learning. In addition to this, each of our business units have their own tailored action plans focusing on areas of opportunity identified by their staff.

Response to the NSW Parliamentary Committee’s inquiry into bullying at WorkCover NSW

On 27 June 2013, the Legislative Council of NSW referred allegations of bullying in the WorkCover Authority of NSW to Committee for inquiry.

The Committee undertook a detailed inquiry including calls for submissions, and evidence taken in camera.¹⁸ The Committee’s Report No. 40 entitled ‘Allegations of bullying in WorkCover NSW’ (Report) was finalised in June 2014 and a Government Response to the Report provided on 17 October 2014.

Following the Report an inquiry was established on 11 September 2014 to inquire into and report on the implementation of the recommendations of the Report. The Committee reviewed the status of the implementation of the recommendations and in December 2014 produced Report No. 41 titled ‘Review of the inquiry into allegations of bullying in WorkCover NSW’.

¹⁸ The Terms of Reference, Submissions and details of Inquiry are available here: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=1629>

Significant work has been undertaken to respond to the Inquiry with all recommendations completed. The action plan progress reports are published on our [DCS website](#).

Following the Government response to the ‘[Allegations of bullying in WorkCover NSW](#)’ Inquiry, SafeWork NSW and the Resources Regulator signed a Memorandum of Understanding (MOU). The MOU facilitates mutual referral and investigation of WHS matters from one regulator to the other where there is an actual or perceived conflict if either regulator were to investigate matters involving its own or associated workplaces, and where permitted by law. The MOU continues to be in force.

While the actions from the inquiry have been completed there has been an ongoing focus on prevention of bullying in the workplace, earlier resolution of complaints, and fair and consistent investigations.

Workplace bullying is never acceptable and SafeWork NSW is committed to a positive and productive workplace and providing a safe and inclusive environment for all staff.

We have focused on providing and promoting to staff anonymous reporting channels to encourage reporting so that any issues can be addressed quickly, and staff can feel safe in reporting any concerns. [Appendix 16: Grievance Handling Processes](#) contains a summary of our grievance handling processes.

We also launched the *Respectful Workplace Behaviours* Guide in May 2022 with supplementary guides regarding bullying, harassment, and discrimination. These guides describe disrespectful behaviours in detail and set out the steps that staff can take to identify, report, find support through internal and external resources and address disrespectful workplace behaviour. These approaches seek to empower our staff and make clear that the SafeWork NSW leadership remains committed to a positive, productive and safe workplace.

Allegations of bullying have remained relatively constant in recent years as outlined in the table below:

Formal bullying complaints made via People and Cultures resolution pathway		
Year	Allegation Raised	Outcome
2014-15	Bullying	Not substantiated
2015-16	Bullying	Not substantiated
	Bullying/ Harassment	Not substantiated
2016-17	Bullying	Not substantiated
	Bullying	Substantiated
2018-19	Bullying/Harassment	Not substantiated
	Bullying	Not substantiated
2019-20	Bullying	Not substantiated
	Bullying/Harassment	Not substantiated
2020-21	Bullying	Not substantiated
	Bullying/Harassment	Not substantiated
	Bullying	Not Substantiated
2021-22	Bullying	Substantiated
	Bullying	Not substantiated
	Bullying	Substantiated
2022-23	Bullying	Not substantiated
	Bullying	Not substantiated
	Bullying	Not substantiated
	Bullying	Not substantiated

Figure 26: Summary of formal bullying complaints

The allegations of bullying referred by SafeWork NSW to the Resources Regulator has fallen as outlined below:

Allegations of bullying referred by SafeWork NSW to the Resources Regulator	
2015	Three bullying referrals
2016	Three bullying referrals
2017	Nil
2018	Nil
2019	One bullying referral
2020	One bullying referral
2021	Nil
2022	Nil
2023	Nil to date

Figure 27: Summary of allegations referred by SafeWork NSW to the Resources Regulator

We have been monitoring our employees’ responses as part of the PMES results to the questions:

- whether in the last 12 months an employee has “witnessed bullying”, and
- whether in the last 12 months an employee has “experienced bullying”.

Outlined in the table below are the responses to these questions compared against the NSW Government sector average:

PMES	In the last 12 months an employee has “witnessed bullying”		In the last 12 months an employee has experienced bullying ¹⁹	
	Our Response	NSW Government Sector Response	Our Response	NSW Government Sector Response
2016	26%	35%	15%	20%
2017	23%	33%	12%	18%
2018	25%	33%	13%	18%
2019	24%	33%	14%	18%
2020	14%	22%	9%	14%
2021	10%	22%	7%	14%
2022	11%	21%	7%	13%

Figure 28: Summary of PMES responses

While we have seen a reduction in bullying reported to the agency and anonymous reporting of bullying through the PMES we acknowledge there is still work to be done.

¹⁹ Note, for the period 2017 – 2019 the language used was: have you been “subjected to bullying at work?” this was updated in 2020 to “have you been bullied at work?” and in 2021 was updated to “experienced bullying?”

Workplace complaints and grievance handling

We take the WHS of our people seriously and strive to provide a safe and inclusive environment for all staff. We continue to put people at the heart of everything we do.

We treat any reported incident of inappropriate workplace behaviour seriously and in accordance with our Departmental policies. All staff are encouraged to report witnessing or experiencing inappropriate workplace behaviours via a range of different methods, including anonymously.

We will continue to promote awareness of the NSW Government core sector values, Positive and Productive Workplace Policy, the Code of Ethics and Conduct and the Respectful Workplace Policy. We ensure that support is available to staff and a variety of reporting channels (including anonymous reporting channels) such as the DCS Integrity Hotline, MySafety Incident Reporting, HR Business Partner teams, the Safety & Wellbeing team and Mental Health First Aiders.

We have been working diligently to improve our grievance handling processes and our employee confidence in the process. We have been monitoring our progress through the PMES results to the question “I have confidence in the ways my organisation handles grievances”. Outlined in the table below are the responses to this question compared against the NSW Government sector average:

PMES	Question - “I have confidence in the ways my organisation handles grievances”	
	Our Response (percentage favourable)	NSW Government Sector Response (percentage favourable)
2016	31%	43%
2017	31%	36%
2018	28%	40%
2019	32%	41%
2020	47%	45%
2021	52%	46%
2022	64% ²⁰	53%

Figure 29: Summary of PMES responses (grievance handling)

While this result can be improved, the results have shown a steady improvement in respect of employee confidence in the grievance handling processes.

Our grievance handling processes are summarised in [Appendix 16](#).

Leadership

Our leaders are at the heart of our success as they are collectively responsible for inspiring, guiding, developing and leading our people and teams. Our leaders’ behaviours are important symbols of our culture in action. That is why leadership development, which elevates leadership effectiveness and builds our collective strength, is one of our top priorities.

‘Elevate’ is DCS’s signature leadership development program, specifically designed for our leaders. The program focuses on creating world class leaders who create impact, support their

²⁰ In 2022, the question asked in the PMES was slightly different from previous years and the question was- “If I raised a grievance in my organisation, it would be handled in a fair and objective manner”.

people to drive outcomes while building on strengths and amplifying leadership capabilities. It is a 19-week program commencing from end of February 2023.

In 2023, approximately 75 of our current leaders will complete the program that includes in person and online learning, 360 degree feedback, and ongoing support. We have a goal that all leaders complete the program by the end of 2024. We are also working with our People and Culture colleagues on the next phase of the program to ensure there is continued growth and development of leadership skills.

In 2016, the Department launched the “Leadership Essentials” program to develop core leadership and people management skills and provide consistent leadership tools, language and concepts. Target participants included all people leaders. The 5 modules include: leading people in positive culture, leading high performing teams, managing performance and behaviours, managing for outcomes, and leading change.

In addition, since September 2017, People and Culture have facilitated ‘Managing for Improvement’ sessions with people leaders across the Department. This training has been specifically developed to manage for improved behaviours and performance.

5

TOR4: Measures
ensuring workers and
their representatives
have a voice

5.1 Measures ensuring workers and their representatives have a voice

SafeWork NSW has in place different measures to engage with workers and their representatives, as well as families of injured and deceased workers, to ensure that they have a voice in the complaints, investigation, and enforcement processes. These measures include:

1. an advisory body made up of injured workers and representatives from families of deceased workers
2. a dedicated team to communicate during the investigation and prosecutions process, with workers injured at the workplace and the families of workers killed in the workplace
3. various forms of stakeholder engagement and consultation activities, and
4. support and training for Health and Safety Representatives.

Each of these are considered in more detail below.

5.1.1 Family and Injured Workers Support and Advisory Group

SafeWork NSW acknowledges the impact of work-related serious incidents and deaths on all families. The way in which SafeWork NSW engages, supports and delivers our services to these workers and their families is important and needs to be tailored and sensitive.

The Family Injured Workers Support and Advisory Group (FIWSAG) was established in November 2020.²¹ The Advisory Group comprises people who have suffered a serious work-related incident or have a family member who has died in a workplace-related incident (affected persons).

The purpose of the FIWSAG is to:

- create a safe, sensitive, supportive and ongoing forum for affected persons
- provide advice to SafeWork NSW about the information and support needs of persons affected by serious workplace incidents, and
- improve service delivery, and advocate for WHS in the community.

The FIWSAG provides opportunities for:

- SafeWork NSW to engage with affected persons through targeted and constructive consultation to improve service delivery
- affected persons to provide advice and make recommendations to SafeWork NSW about the support needs of affected persons
- affected persons to advocate for WHS in the community through actively contributing to the development and dissemination of WHS messages, and
- affected persons to network with others in similar circumstances and engage with people affected by serious workplace incidents.

SafeWork NSW formally meets with the FIWSAG quarterly and additional meetings may be convened as required in consultation with SafeWork and the Chair/Co-chair. SafeWork NSW is scheduled to meet with the group five times in 2023. These are opportunities to connect, including for SafeWork NSW, to seek feedback on processes and guidance materials, discuss opportunities for change, and look at events and awareness campaigns.

²¹ The Advisory Group was initially formed as part of a 12-month pilot aligned with the Commonwealth Government's commitment to the recommendation made in the Senate Education and Employment References Committee report '*They never came home - the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*'.

FIWSAG has been consulted and has provided meaningful input into a range of SafeWork standards and processes, including:

- the development of the 'SafeWork NSW incident response and investigations Customer Service Standard'
- the 'SafeWork NSW incident response and investigations – what to expect – Customer Service Standard'
- the 'Traumatic Stress Kit'
- the Investigations and Emergency Response Directorate's Communication Plan, timeframes for contacting families following an incident, and processes for providing families with a Coroner's report, and
- improvements to the messaging in the SafeWork NSW SpeakUp App.

SafeWork NSW is currently collaborating with the FIWSAG to develop guides and materials for families following loss or serious injury of a loved one during the course of their work.

The FIWSAG also participates in SafeWork NSW events, including recently as guest speakers at the 2022 National Work Health and Safety Colloquium.

In January 2022, an evaluation of the FIWSAG was undertaken. The evaluation made eight recommendations, which have since been endorsed and are being implemented. All stakeholders expressed support for FIWSAG to operate on an ongoing basis.

It is fair to say that FIWSAG members have held concerns in the past about how the group has operated. In particular, FIWSAG members have not felt supported by certain SafeWork NSW personnel and felt that important progress has been unnecessarily stalled. Fortunately, these concerns have now been addressed, and the relationship between SafeWork NSW and FIWSAG members has been reset and is strong. The FIWSAG is made up of committed and passionate people who have an important contribution to improve the WHS system. Their perspective and views are enlightening and invaluable.

5.1.2 Family Liaison Team

In February 2004, the NSW Legislative Council held an Inquiry into Serious Injury and Death in the Workplace following concerns expressed about high rates of workplace injuries and fatalities in a number of industries.

During the Inquiry, the Committee also examined the role and performance of the WorkCover Authority of NSW (WorkCover), the then occupational health and safety regulator. The report made a number of findings and recommendations in relation to the role and performance of WorkCover.

One of the concerns raised in the inquiry was that WorkCover had in the past failed adequately to communicate with workers injured at the workplace and the families of workers killed in the workplace.

As a result of the Inquiry, WorkCover established a new registered psychologist position known as the Coordinator and Counselling Liaison (CCL) within their Legal Group in May 2004. The CCL's role was to coordinate liaison and counselling services with impacted individuals and families. In addition, WorkCover engaged the Salvation Army, on an interim basis, to provide counselling services pending finalisation of permanent arrangements.

Following the establishment of SafeWork NSW in 2015 the role was subsequently re-titled Coordinator, Family Liaison.

In 2020, following a review of the Coordinator Family Liaison workload another Family Liaison resource was hired. The new Family Liaison Officer commenced in March 2021. The two positions comprise the Family Liaison Team.

The Family Liaison Team support injured workers and their families in the event of a workplace death or serious injury.

The Family Liaison Team is available:

- as an advisor to SafeWork NSW on processes involving affected individuals and families
- as the key contact for families and injured workers and to assist with explaining and navigating the SafeWork NSW investigation and/or legal processes
- to provide information on counselling and other support available to injured workers and close family members of a relative who has died or been seriously injured in a workplace incident. This includes referral to SafeWork NSW's Bereavement & Counselling support program, including ten one-hour sessions during the investigation phase and/or legal proceedings
- to assist families or injured people to prepare victim impact statements
- to accompany injured workers and/or families attending court proceedings; and
- to arrange logistical support for injured workers and families attending matters at court. SafeWork NSW established a Financial Support Scheme on 1 July 2016 to assist victims with attending a sentence hearing to submit and read out their victim impact statement.

The team has also been engaged to provide support and liaison services to bereaved family members for fatal incidents investigated by the NSW Resources Regulator.

The Family Liaison Team are also involved as a representative of SafeWork NSW at the regular FIWSAG meetings.

5.1.3 NSW and National consultation

SafeWork NSW consults with all stakeholders including workers and their representatives when developing policy, strategy and reviewing the WHS legislation. This can occur through SWA or through SafeWork NSW as summarised below.

Safe Work Australia Consultation

SafeWork NSW, as a member of SWA, regularly undertakes consultation through SWA and the national forums it coordinates. SWA Members, Strategic Issues Group – WHS (SIG WHS), and the HWSA each meet quarterly.

SWA also undertakes extensive consultation with community, workers, their representatives, WHS professionals, academics, owners and operators of businesses when developing Australia's WHS policy. This may be undertaken through formal consultation processes such as Consultation Regulatory Impact Statements (RIS), discussions papers and online consultations on proposed model legislative amendments, codes of practice and national guidance material.

For example, in 2017, SWA engaged an independent reviewer, Ms Marie Boland, to undertake the 2018 Review of the model WHS laws (the Boland Review). Ms Boland consulted extensively with stakeholders. She received over 100 submissions and held consultations in every capital city and in regional centres.

Following Ms Boland's Final Report which contained 34 recommendations, SWA then undertook a Consultation Regulatory Impact Statement (CRIS). Over 200 submissions were received which were considered and helped formulate the Decision RIS (DRIS), prepared by SWA. The WHS Ministers endorsed the DRIS recommendations and tasked SWA to implement them in tripartite consultation with SWA Members, WHS Regulators and social partners. SWA has now published updated versions of the model WHS Act and model WHS Regulations. SWA also consults broadly on national Codes of Practice.

In NSW a number of the recommendations have already been implemented through the *Work Health and Safety Amendment (Review) Act 2020*. In addition, amendments have been made to the model WHS Regulations, including amendments to address psychosocial hazards in the workplace, which have been adopted in NSW.

SafeWork NSW Consultation

Separately to consultation undertaken at a national level, SafeWork NSW consults with the community in relation to state-based WHS legislation and policy. This has included:

2017 NSW Statutory Review of the WHS Act

The Statutory Review of the WHS Act (NSW), required under section 276B of the WHS Act, commenced in 2016. The review received 39 submissions, all of which were given careful consideration. Further consultation was then undertaken with key stakeholders. The Review Report with recommendations was tabled in the NSW Parliament on 20 June 2017.

Work Health and Safety Amendment (Review) Act 2020

In July 2020, the NSW *Work Health and Safety Amendment (Review) Act 2020* came into effect to implement proposals based on the Boland Review of the model WHS laws. These reforms were expedited ahead of the completion of the national process to ensure issues identified in the Boland review, did not continue to affect NSW workers and workplaces. The amendments made enable the NSW WHS Regulators to better address and prevent workplace deaths; improve support for injured workers and their families; streamline investigations and clarify important aspects of the WHS Act.

In particular, section 231 of the WHS Act was amended to improve the experience of injured workers, their families and the families of deceased workers during and following an incident, to ensure they have the appropriate time to make a request for the WHS Regulator to bring a prosecution within the two-year limitation period for WHS offences. It also ensures that anyone who has made such a request is kept informed about the investigation.

Consultation on NSW WHS Regulation

A recent example was consultation on the *Work Health and Safety Amendment (Food Delivery Riders) Regulation 2022*, which came about following a number of fatalities in Sydney.

Consultation on proposed changes to the *Work Health and Safety Regulation 2017* was undertaken in October 2021. It focused on reforms aimed at providing improved protection for food delivery workers through the legal requirements placed on food delivery platforms to provide personal protective equipment, induction training, and enhanced record keeping and verification requirements. These objectives were developed following the work of the Joint Taskforce into Food Delivery.

A discussion paper outlining proposed reforms was shared by direct email with a select group of stakeholders (24 in total). Stakeholders were identified from the work that the Joint Taskforce had undertaken, and included Government agencies, food delivery platforms, unions and rider advocates. 11 submissions were received over the 4-week consultation period.

Additional consultation was undertaken in November 2021 to refine the Amendment Regulation over a six-week period via the NSW Government's 'Have Your Say' website and address industry concerns. This concern was focused on the original requirements for a universal verification record, which was deemed unfeasible by industry. Following this further consultation, changes were primarily made to the requirements regarding training verification, in terms of what requirements industry could manage without lessening the safety outcome (Clause 184S). The Regulation commenced in full on 1 January 2023.

Demolition licensing

Consultation on the proposed *Work Health and Safety Amendment (Demolition licensing) Regulation 2022* was undertaken in March 2022. It focused on reforms to move the demolition licensing scheme into the *Work Health and Safety Regulation 2017* where it will better align with other types of licensing schemes for high-risk work in NSW.

A discussion paper outlining the proposed reforms was shared with key stakeholders and all demolition licence holders, seeking their input. As well as sharing with key stakeholders in the industry, it was available for all to comment on. Public consultation was undertaken via the NSW Government 'Have Your Say' website. Twenty submissions were received from a variety of stakeholders including licence holders, nominated supervisors, demolition workers, industry or

professional organisations and RTOs. A stakeholder meeting was undertaken on 17 July 2022, to talk through some concerns raised, which have since been addressed.

The Amendment Regulation is due to commence on 1 March 2023, except for the training provisions which will commence on 1 March 2025.

5.1.4 Overview of stakeholder engagement

SafeWork NSW has three forms of stakeholder engagement:

Targeted engagement

SafeWork NSW generally undertakes targeted consultation to assist with the development of new strategies, programs or products.

General Consultation

SafeWork NSW undertakes more general consultation to ensure SafeWork NSW is maintaining currency with industry, understanding emerging issues, and barriers in achieving WHS compliance.

Consultation with our key stakeholders is undertaken when developing sector plans, at mid-point review and during post implementation evaluation. We also engage with relevant stakeholders during the development of learning modules and collaboration with other government agencies such as TAFE.

Consultative Groups

SafeWork NSW has formed, and is a member of, a number of consultative groups and holds regular meetings to remain connected and current with industry, and to help facilitate a greater interest and engagement level from stakeholders.

SafeWork NSW also attends forums coordinated by other parties, including other government or industry organisations, and regionally based safety groups.

5.1.5 Education activities for Health and Safety Representatives (HSRs)

HSRs are elected to represent workers on health and safety and matters and have responsibilities under the *Work Health and Safety Act 2011*. HSRs perform a pivotal role in workplace safety in a workplace – this includes:

- gathering information about what the health and safety issues are for their work group
- working out ways to resolve issues in consultation with PCBU representatives such as managers, supervisors as well as committees and other HSRs
- directing a worker in the work group to stop unsafe work if they reasonably believe workers would be exposed to a serious risk to their health and safety; and
- issue a Provisional Improvement Notice (PIN) if they reasonably believe there is a contravention of the Act.

Engaging with HSRs onsite following an incident and in post incident responses is a key part of our SafeWork NSW processes. It enables our inspectors to validate what information they receive from PCBUs. During this process our inspectors will communicate with the HSR as part of their incident response process when making enquiries, gathering evidence and undertaking compliance actions (e.g., notices).

As part of these discussions, our inspectors provide HSRs with information in relation to the incident response and investigation process, their role and anticipated timeframes.

As well as ensuring that engagement and consultation with HSRs is embedded in our day-to-day practices SafeWork NSW have specific guidelines and procedures in place to support our inspectors that engage with HSRs. Examples of these include:

- Reasonable concern of worker or HSR guidelines
- HSR consultation with PCBU prior to issuing a provisional improvement notice (PIN)
- HSR consultation in relation to directing a cessation of work
- Reasonable concern of worker or HSR guidance material
- Resolving health and safety representative training programmes guidelines
- the display of Notices and Providing copies to persons assisting HSRs
- Resolving disputes regarding the establishment of health and safety committees; and
- Consultation procedure and guidelines.

HSRs are also valuable sources of information for SafeWork NSW as they can raise requests for service, reach out to SafeWork NSW for advice, and provide information about PINs or other activities.

Education and materials

The SafeWork NSW website contains a range of materials including videos to support HSRs with their duties.²² Topics include:

- Overview of the role of the health and safety representative
- Obligations of the business and employer
- Details of HSR training providers
- Online webinars
- Workers and representatives participation guide.

We also provide advice to HSRs who contact the SafeWork NSW hotline on 13 10 50.

Our day-to-day duties include HSR Provisional Improvement Notice reviews and Inspectors providing advice and education to HSRs to assist them to perform their functions. When attending sites in a response or proactive function, SafeWork NSW Inspectors will speak with HSRs or other staff representatives to discuss the issues on site and are available to provide advice on HSR related matters.

SafeWork NSW also conducts a range of educative activities to support HSRs in the workplace including presentations for Trade Unions and for both the public and private sector. We also provide training, and conference presentations.

Inspectors deliver presentations in relation to roles and responsibilities of HSE Committee and HSRs. Some may be delivered in partnership with SafeWork NSW, where staff co-present and use workshop material developed by SafeWork NSW.

SafeWork NSW approved training courses

SafeWork NSW has a five-day HSR initial training course and a one-day HSR refresher course in accordance with section 72 of the WHS Act. To maximise reach of the training, SafeWork NSW provides the training content to approved training providers.

The HSR trainers also must meet certain conditions including holding a minimum Certificate IV in Training and Assessment a minimum of two years relevant experience in an occupational or work health and safety role, or relevant tertiary or vocational qualifications in a field related to occupational or work health and safety, such as a Graduate Diploma of Occupational Health and Safety.

²² <https://www.safework.nsw.gov.au/safety-starts-here/consultation@work/health-and-safety-representatives#:~:text=HSRs%20are%20elected%20to%20represent,Health%20and%20Safety%20Act%20201>

As at 31 January 2023, there are 96 approved training providers and 417 approved trainers. Since 2012, 97,306 HSRs have been trained in NSW.

Engagement with HSRs

We have developed projects to support HSRs in performing their functions, such as workplace consultation. Recently, SafeWork NSW ran a Consultation@work program focusing on improving health and safety successfully through effective communication and consultation. There were three parts to the strategy – to build capability, build resources and build connections. SafeWork NSW also runs a range of education programs that are available to everyone including HSRs. Further information is published on our website.

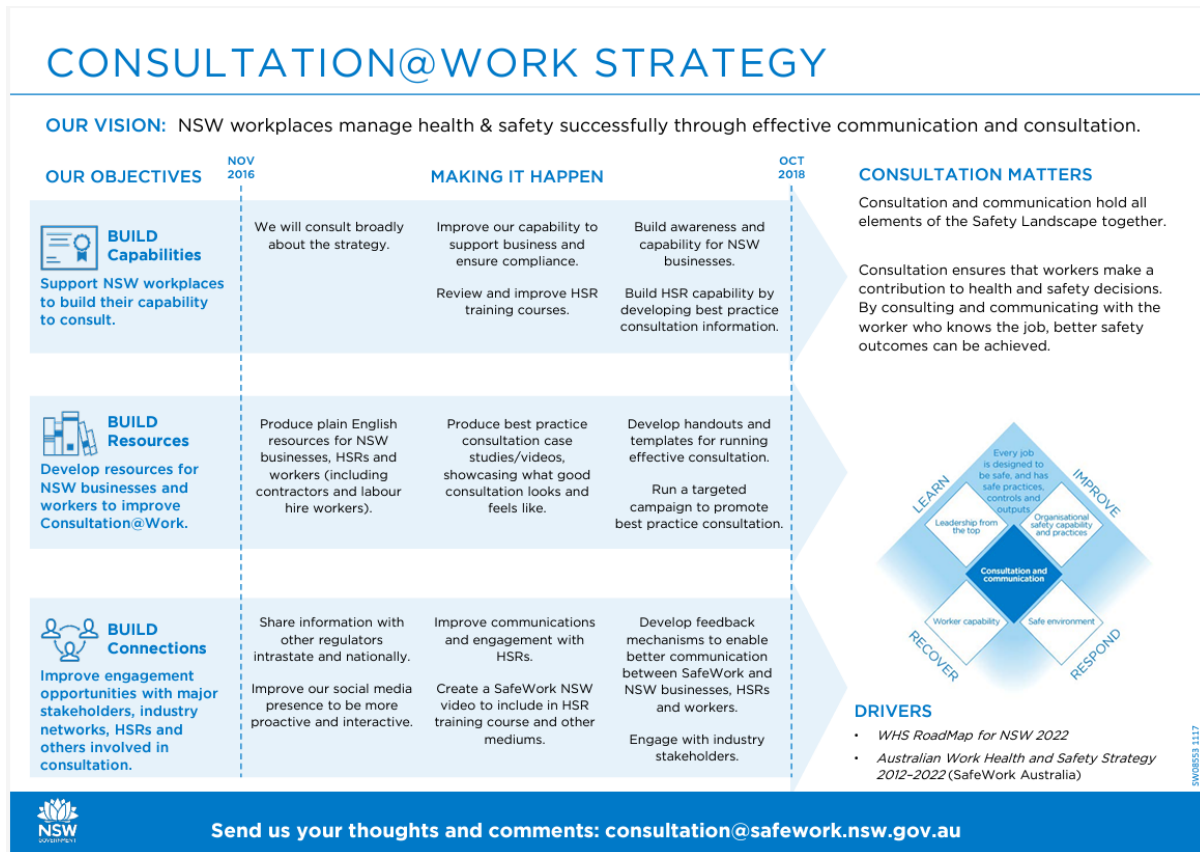


Figure 30: Consultation@Work Strategy

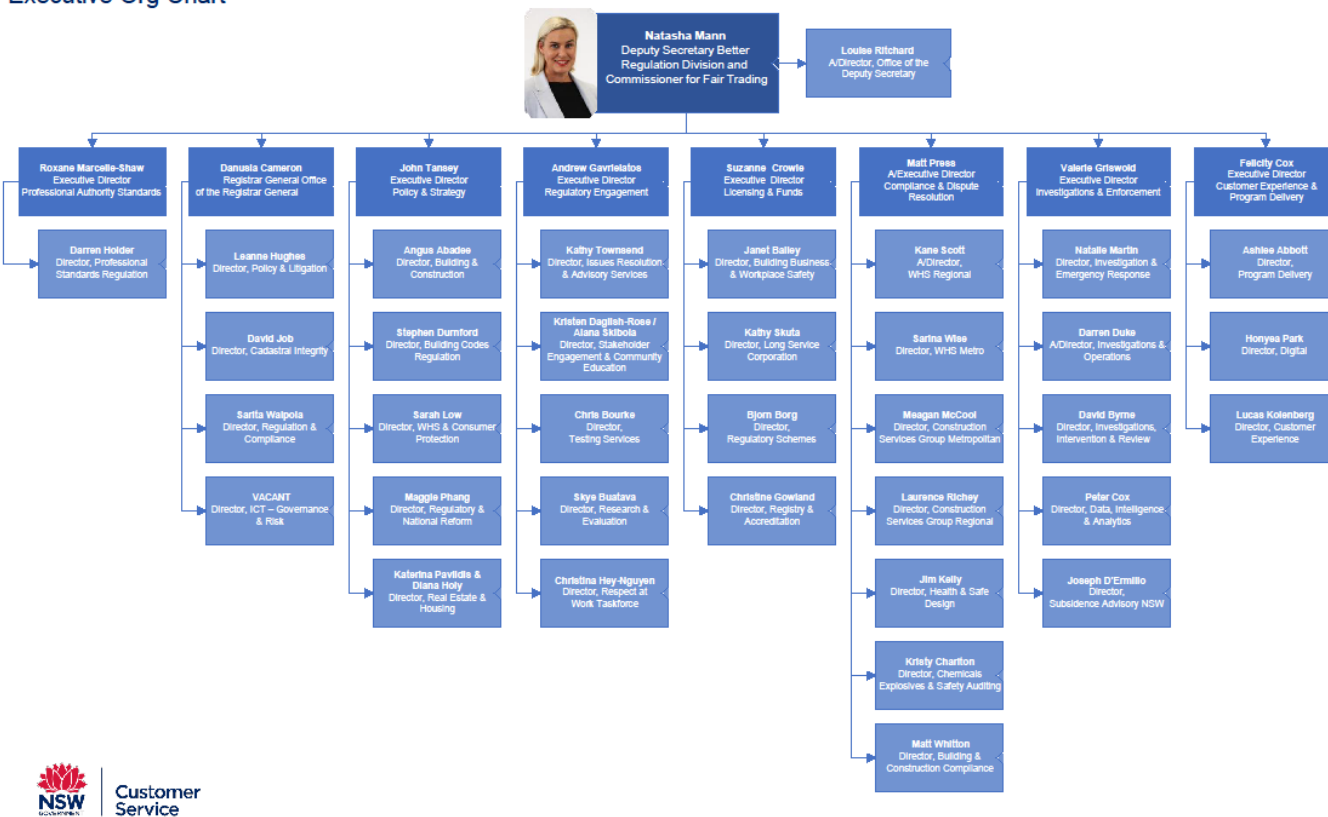
6

Appendices

6.1 Appendix 1: BRD Organisational Chart

January 2023

Better Regulation Division Executive Org Chart



6.2 Appendix 2: SafeWork NSW Executive Biographies

Natasha Mann

Deputy Secretary, Better Regulation Division
Head of SafeWork NSW

NSW Commissioner for Fair Trading
(December 2021 - current)



Natasha is the Deputy Secretary of the Better Regulation Division (BRD) in the NSW Department of Customer Service and is also the Head of SafeWork NSW and the NSW Fair Trading Commissioner.

In this role, Natasha is responsible for an extensive portfolio of regulatory functions in place to protect and support businesses and communities in NSW. This includes NSW Fair Trading, SafeWork NSW, Office of the Registrar General, Professional Standards Authority, Long Service Corporation and Subsidence Advisory NSW.

Natasha is an experienced regulator and public policy advisor with over 20 years' experience leading significant regulatory and public policy reform in the NSW public sector. She has held various senior leadership roles across the government sector in the NSW Department of Communities and Justice, the NSW Department of Premier & Cabinet, NSW Health, and the NSW Privacy Commission.

Natasha holds a Bachelor of Arts (Hons) and Bachelor of Laws from the University of Sydney.

John Tansey

Executive Director of Policy & Strategy
(2017 - current)

John is also the Executive Officer for the 'NSW Fire Safety and External Cladding Taskforce'.

John leads the team that undertakes all strategic policy review and law reform for Fair Trading, SafeWork, building regulation and other regulatory functions in BRD.



John's prior role since was leading the Building & Construction Service at NSW Fair Trading.

Before joining Fair Trading in 2011, John held Executive positions with Community Services NSW (2006-2011) and the Department of Premier and Cabinet in NSW (1998-2006). John also has experience in direct service delivery in the community sector, specialising in early childhood education (1987-1998).

Andrew Gavrielatos

Executive Director of Regulatory Engagement
(Feb 2020 - current)

Andrew Gavrielatos is the Executive Director, Regulatory Engagement, BRD with responsibilities for SafeWork and Fair Trading in the NSW Department Customer Service. He is also president of the 23rd World Congress on Safety and Health at Work, CEO of the SafeWork NSW RTO, and Chairperson of the NSW WHS Research Foundation.



Andrew has more than 25 years' experience in senior regulatory roles in fair trading and WHS. In SafeWork NSW, he has led initiatives in mental health, chemicals, testing services and inspector practice.

Andrew has overseen the implementation of major worker and consumer digital solutions including the real time safety reporting App, 'Speak Up, Save Lives'.

Andrew is also on the board of the Society of Consumer Affairs Professionals (SOCAP) Australia, having previously held the position of President.

Felicity Cox

Executive Director of Customer Experience & Program Delivery
(October 2022 - current)

Felicity commenced as Executive Director Customer Experience and Program Delivery in Better Regulation Division on 24 October 2022.

Prior to this Felicity held NSW Government senior executive roles in both central government and line agency capacities, reimagining and improving government service systems to deliver public outcomes.

Felicity is an experienced public policy advisor and has held roles in the Department of the Prime Minister and Cabinet and various Commonwealth Government agencies. Felicity holds a Master of Public Policy, PhD, and Bachelor of Science Adv. (Hons).

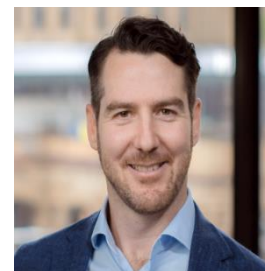


Matt Press

Acting Executive Director of Compliance & Dispute Resolution
(May 2022 - current)

Matt leads the operational teams across NSW for SafeWork and Fair Trading who regulate workplace safety and building compliance.

Matt has spent his career working for regulators and regulated businesses across a range of sectors locally and overseas. Matt's focus for the last 10 years has been building and construction, with his most recent role leading the Office of the NSW Building Commissioner.



Suzanne Crowle

Executive Director of Licensing & Funds
(February 2020 - current)

Suzanne leads the provision of licensing, registration, and accreditation functions for NSW Fair Trading and SafeWork as well as the management of rental bonds, specialist compensation schemes, security of payments, strata bonds and community grants.



Suzanne is also responsible for portable long service claim payments for the building and contract cleaning industries delivered by the Long Service Corporation. Suzanne plays a key role in leading teams through digital transformation with the development of a new licensing platform. Suzanne commenced in the role in February 2020.

Previously, Suzanne has led large, geographically dispersed teams focusing on licensing, complaint handling, compliance and information technology. Prior to joining the public sector, Suzanne worked as a corporate solicitor, in business research, information management consulting and recruitment. Suzanne holds a Bachelor of Commerce and a Bachelor of Laws.

Valerie Griswold

Executive Director of Investigations & Enforcement
(February 2020 - current)

Valerie currently leads investigations and enforcement teams across SafeWork NSW, NSW Fair Trading and Subsidence Advisory NSW as well as a Data, Intelligence & Analytics branch and a Disciplinary Action Unit.



Valerie guides approximately 275 staff in providing efficient, innovative and effective delivery of intelligence-led, risk-based investigation and enforcement activities for the protection of the public, businesses and communities in NSW.

Valerie brings an extensive background in government regulation both in Australia and the United States. She is a NSW legal practitioner with vast experience in civil and criminal law, as well as consumer protection. She was previously the NSW Fair Trading Solicitor Advocate and Director of NSW Fair Trading Legal Services. She was also Director of Policy and Legal at NSW Office of the Children's Guardian.

Prior to moving to Australia, Valerie was a Deputy DA and Senior Deputy District Attorney in the Orange County California District Attorney's Office.

6.3 Appendix 3: Categorisation of workplace incident notifications 2017-2022

Workplace Incidents – including pollution and COVID notifications

Year	Incident Categorisation	Total
2017/2018	1. Critical	93
	2. High	734
	3. Medium	1725
	4. Standard	3528
	5. Insufficient Information	15
	6. Not Under Statute	1025
	7. Unassessed	5
		7125

Workplace Incidents – including pollution and COVID notifications

Year	Incident Categorisation	Total
2018/2019	8. Critical	41
	9. High	594
	10. Medium	1972
	11. Standard	4077
	12. Insufficient Information	43
	13. Not Under Statute	1366
		8093

Workplace Incidents – including pollution and COVID notifications

Year	Incident Categorisation	Total
2019/2020	1. Critical	79
	2. High	400
	3. Medium	1692
	4. Standard	4566

	5. Insufficient Information	25
	6. Not Under Statute	1962
	7. Unassessed	18
		8742

Workplace Incidents – including pollution and COVID notifications

Year	Incident Categorisation	Total
2020/2021	1. Critical	59
	2. High	411
	3. Medium	1945
	4. Standard	4648
	5. Insufficient Information	23
	6. Not Under Statute	1650
	7. Unassessed	2
		8738

Workplace Incidents – including pollution and COVID notifications

Year	Incident Categorisation	Total
2021/2022	1. Critical	44
	2. High	327
	3. Medium	1580
	4. Standard	29000
	5. Insufficient Information	26
	6. Not Under Statute	1320
	7. Unassessed	5
		32302

6.4 Appendix 4: Categorisation of Requests for Service by year

Year	Category	Total
2017/2018	1. Advisory	954
	<i>Advisory Visit</i>	552
	<i>External Presentation</i>	402
	2. Safety Concerns/WHS Complaints	9114
	3. Statutory Requests	95
		10163

Year	Category	Total
2018/2019	1. Advisory	856
	<i>Advisory Visit</i>	382
	<i>External Presentation</i>	474
	2. Safety Concerns/WHS Complaints	8958
	3. Statutory Requests	208
		10022

Year	Category	Total
2019/2020	1. Advisory	885
	<i>Advisory Visit</i>	478
	<i>External Presentation</i>	407
	2. Safety Concerns/WHS Complaints	10570
	3. Statutory Requests	181
		11636

Year	Category	Total
2020/2021	1. Advisory	657
	<i>Advisory Visit</i>	426
	<i>External Presentation</i>	231
	2. Safety Concerns/WHS Complaints	11770
	3. Statutory Requests	168
		12595

Year	Category	Total
2021/2022	1. Advisory	606
	<i>Advisory Visit</i>	370
	<i>External Presentation</i>	236
	2. Safety Concerns/WHS Complaints	11665
	3. Statutory Requests	136
		12407

6.5 Appendix 5: Actions following triage of notified incidents

Workplace Incidents – including pollution and COVID notifications

Year	Triage Status	Total
2017/2018	Admin Response	2
	Admin Response – Letter	3253
	Admin Response – No action	1273
	Admin Response – Phone	6
	Inspector Response	2560
	No Action Required	31
		7125

Workplace Incidents – including pollution and COVID notifications

Year	Triage Status	Total
2018/2019	Admin Response – Letter	3768
	Admin Response – No action	1672
	Admin Response – Phone	13
	Inspector Response	2616
	No Action Required	24
		8093

Workplace Incidents – including pollution and COVID notifications

Year	Triage Status	Total
2019/2020	Admin Response	3
	Admin Response – Letter	4290
	Admin Response – No action	2216
	Admin Response – Phone	2
	Inspector Response	2207
	No Action Required	24
		8742

Workplace Incidents – including pollution and COVID notifications

Year	Triage Status	Total
2020/2021	Admin Response	4
	Admin Response – Letter	4468
	Admin Response – No action	1844
	Inspector Response	2413
	No Action Required	8
	Unassessed	1
		8738

Workplace Incidents – including pollution and COVID notifications

Year	Triage Status	Total
2021/2022	Admin Response	4
	Admin Response – Letter	28834
	Admin Response – No action	1488
	Admin Response – Phone	2
	Inspector Response	1957
	No Action Required	17
		32302

6.6 Appendix 6: Falls from Heights Compliance Activities

Key activities and initiatives have focused on raising awareness, providing education and advice and undertaking compliance activities, as outlined in the table below. For more information see [Working at heights](#) and [Work safely at heights in construction](#).

Dates	Activities
Nov 2017	On-the-spot fines: For falls risks introduced
Nov 2017 –Nov 2018	On-site verifications: Falls from heights in construction blitz
Nov 2017	Publications: Falls from heights poster and fact sheet
Dec 2017	Advertising campaign: Falls from heights kill (radio)
Mar–June 2018	Advertising campaign: “Safety starts with you,” SafeWork general campaign including voids on construction sites (café screens, social media, digital, radio)
July and Oct 2018	Advertising campaign: Falls from heights kill (digital)
April–June 2019	Advertising campaign: “Safety starts with you,” SafeWork general campaign including safe harness use (print, digital, social media, outdoor advertising such as bus stops)
April–Sept 2019	On-site verifications: Operation Scaff Safe
Oct 2019	On-site verifications: Falls from heights in construction blitz
Oct–Nov 2019	Workshops: TAFE/NECA for electrical apprentices
Oct–Nov 2019	Publication: Pocket guide to construction safety distributed to approx. 50,000 workers including 26,000 TAFE NSW construction apprentices
Mar-June 2020	On-site verifications: Scaff Safe 2020
Sept -Nov 2020	On-site verifications: Working at heights blitz 2020
From June 2020	Geographical blitzes: targeted geographical locations across the state (ongoing)
Mar–July 2020	Research: Working at heights in construction –attitudes, risk perceptions, barriers and influencing activities
Sept 2020	On-the-spot fines: for scaffold risks introduced
From Oct 2020	Supervisor workshops commenced (ongoing)
From Oct 2020	Safety podcasts: Various topics including falls from heights risks (ongoing)
Mar–Dec 2021	On-site verifications: Safe Solar Installation
Mar–June 2021	On-site verifications: Scaff Safe 2021
June-July 2021	Advertising campaign: Working at Heights in Construction (radio, billboards, digital)
June 2021	Publications: toolbox talks on ladder use and scaffold use, roof rail fact sheet
Oct 2021-Mar 2022	Risk Based Fast Tracked Investigation compliance tool piloted for specific falls related breaches resulting in a recent court outcome August 2022 totaling fines of approx. \$26,670
Sept–Dec 2021	On-site verifications: Working at heights blitz 2021
Feb-May 2022	Advertising campaign: Working at Heights in Construction (radio, billboards, digital)
Apr-June 2022	On-site verifications: Formwork 2022

May 2022	Inaugural Building and Construction Safety Symposium -Focus on Falls from Heights as 'wicked issue' in the industry
June 2022-Dec 2022	On-site verifications: Safe Solar Installation phase 2

6.7 Appendix 7: 2022 Falls from Heights Campaign

The most recent SafeWork NSW Falls from Heights advertising campaign was broadcast in March and April 2022, with the 2023 campaign due to be released shortly (approx. April).

2022 advertising included radio, freeway billboards, service station billboards, social media and digital. Key messaging was:

- most serious and fatal falls are from a height of less than 4 metres
- falls from heights not only impacts your life but can be devastating for your loved ones as well.

The campaign messaging is reinforced by the release of new customer resources:

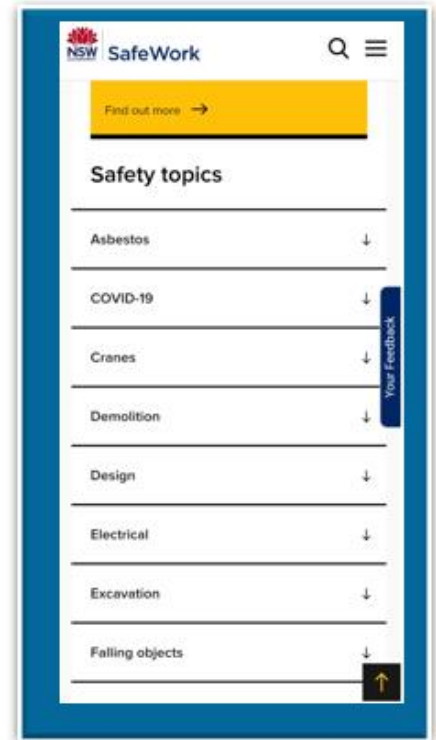
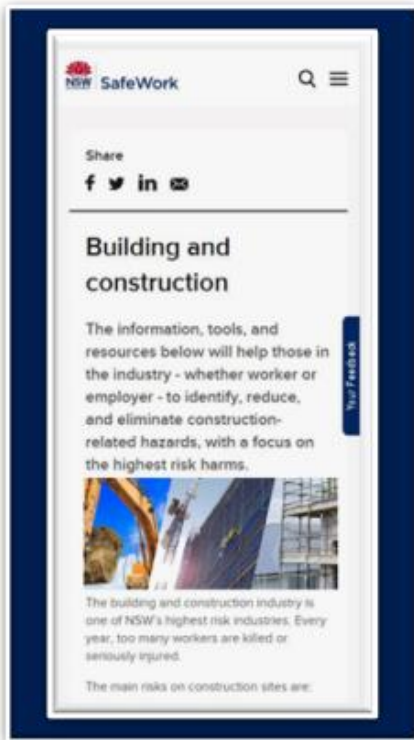
- Toolbox talks - ladders and scaffolds
- Fact sheet - roof and rails
- Dedicated building and construction webpage
- SafetyCasts (podcast)
- Construction site supervisor workshops.

Some examples of the campaign material are extracted below:

Social Media



Podcast



6.8 Appendix 8: Silica Compliance Activities

Key activities and initiatives have focused on compliance visits in engineered stone fabrication and construction sites, and other education and awareness raising activities to enable PCBU compliance, as outlined in the table below. For more information on SafeWork NSW's silica program, activities and guidance see SafeWork NSW's [Crystalline silica webpage](#).

Dates	Activities
June 2017	Pilot visit program and research project confirms silica as a top priority chemical for the NSW Hazardous Chemicals Exposures and Baseline Reduction Strategy (2017-2022) (Chemicals Strategy).
October 2017	Chemicals Strategy launched – four key components: interactions (compliance visits), awareness (education, advertising, tools and resources), legislation (regulatory reforms), research (health monitoring, air monitoring)
March 2018 - current	Silica targeted compliance visit program commences (across engineered stone, construction, tunnelling, infrastructure, foundries and manufacturing). Including Round 1 engineered stone visits to all known engineered stone fabricators (2018-2019) and Round 2 engineered stone visits to all engineered stone fabricators (2020-22).
July 2018 – June 2019	SafeWork NSW convenes the Manufactured Stone Industry Taskforce following a recommendation from the 2017 Review of the Dust Disease Scheme. The Taskforce comprised representatives from industry, government, unions and health organisations.
November 2018	Mass awareness campaign ‘ <i>which mask will you wear?</i> ’ delivered across radio, print, social media, digital and included a video safety alert. The campaign was translated into mandarin, Vietnamese, Arabic, Korean and Hindi and ran on in-language radio stations.
Feb 2019	3x silica manufacturing safety forums in Bankstown, Newcastle and Wollongong.
April 2019	Silica included in ‘ <i>Safety starts with you</i> ’ campaign – TV, radio, social media and website advertisements
May 2019	SafeWork NSW Silica Symposium – more than 350 business owners and workers, associations, universities, medical professionals, government and industry representatives.
June 2019	Mass awareness campaign with ambassador Dr Karl Kruszelnicki. Online, radio, social media and video.
August 2019 – October 2019	State-wide regional silica roadshow events – Orange, Liverpool, Ballina, Newcastle, Tamworth, Queanbeyan. 605 business attendees. Practical advice on what good compliance looks like.
October 2019	National Safe Work Month – NSW focused on silica and falls from height. Media and awareness events alongside compliance blitzes.
December 2019	Independent Chemicals Strategy mid-point evaluation conducted including 111 surveys from workplaces visited.
January 2020 – June 2020	Manufactured Stone Industry Rebate - \$1000 rebate targeted to manufactured (engineered) stone businesses to purchase safety equipment.
June 2020	Medical Practitioner awareness and education webinars on the upcoming regulatory reforms requiring mandatory notification of silicosis diagnoses.
July 2020	Regulatory reforms introduced: <ul style="list-style-type: none"> • Reduced workplace exposure standard from 1mg/m³ to 0.05mg/m³ • Banning practice of uncontrolled dry processing engineered stone (maximum penalty \$30,000 for body corporate, \$6000 individual, with on-the-spot fines).

	<ul style="list-style-type: none"> • Silicosis became a Scheduled Medical Condition requiring medical practitioners to notify NSW Health when they diagnose a case. • Penalties for PCBUs who fail to notify SafeWork NSW of an adverse health monitoring report
September 2020	Silica in Construction Safety Cast Podcast Episode released
October 2020	Work Health and Safety Amendment (Information Exchange) Act takes force, enabling NSW Health to transmit disease notifications to SafeWork NSW, giving effect to the NSW Dust Disease Register and the register's Annual Report.
October 2020 – March 2022	Construction Supervisor Workshops delivered October-December 2020, February – November 2022, March 2023.
November 2020	<i>NSW Dust Strategy 2020-2022</i> launched, coordinating SafeWork NSW approach to all dust-related workplace illness with a focus on silica, asbestos, wood and other dusts.
February 2021	2 new video safety alerts – cutting bricks and cutting concrete released. Independent Silicosis Case Finding Study report commissioned by SafeWork NSW (legislative requirement under <i>WHS Amendment (Information Exchange) Act</i>).
February 2021 – September 2022	SafeWork NSW member of national working group developing three national Units of Competency for the CPC Construction Plumbing and Services Training Package – Silica Safety Awareness Project.
August 2021	First NSW Dust Disease Register Annual Report is published
September – December 2021	Safework NSW delivers a locally produced implantation of national 'Clean Air. Clear Lungs' campaign including a social media video ad.
January – March 2022	Construction Silica Visit Blitz – intensive state-wide silica compliance visit program to construction sites, accompanied by awareness campaign materials and industry presentations
February 2022	NSW adopts national model Code of Practice – <i>Managing the risks of respirable crystalline silica from engineered stone in the workplace</i> and releases an industry webinar and Silica Dust Control Plan tool.
April 2022	Centre for WHS supported project with research partner Trolex Nome, launches the Air XS a world-first <u>realtime silica dust detector</u> .
May 2022	Silica included in the inaugural SafeWork <u>NSW Building and Construction Safety Symposium</u> .
June 2022 – March 2023	Silica personal air (exposure) monitoring program – 30 randomly selected engineered stone sites to understand effectiveness of control measures.
August 2022	Drilling in Construction, and Demolition and Excavation Silica Video Safety Alerts released.
September 2022	Second NSW Dust Disease Register Annual Report published
February 2023	Independent final program evaluation for the Chemicals Strategy

6.9 Appendix 9: IDMP Terms of Reference

Provided in a separate attachment.

6.10 Appendix 10: IDMP Framework

Provided in a separate attachment.

6.11 Appendix 11: Table of alternative sentencing orders

Provided in a separate attachment.

6.12 Appendix 12: QBSIP Reporting dashboard for the period October to December 2022

Quad Bike Safety Improvement Program (QBSIP) Quarterly Dashboard | OCTOBER - DECEMBER 2022



Rebates approved for payment

October - December 2022
\$561,000

Total rebates paid
\$9.3M
Since July 2016
\$471K rebate funding left

Total farmer investment
\$101M

Side-by-side vehicles	Operator protective devices	Helmets	Drones
270 5,190	33 1,438	3 881	19 226
<small>OCT - DEC 2022 Since July 2016</small>	<small>OCT - DEC 2022 Since July 2016</small>	<small>OCT - DEC 2022 Since July 2016</small>	<small>OCT - DEC 2022 Since February 2019</small>

Rebates Paid 2022 - 2023 Financial Year

TRAINING

Quad Bike Training Program

389 quad bike training events

1,838 training participants since July 2016

8 events OCT - DEC 2022

35 participants OCT - DEC 2022

SSV Training Program

71 SSV training events

328 training participants since November 2019

10 events OCT - DEC 2022

42 participants OCT - DEC 2022

PERFORMANCE WEBSITE

16,200 Website hits OCT - DEC 2022 Refer to chart below.

103 Virtual Farm Safety Experiences OCT - DEC 2022

237 Webinars OCT - DEC 2022

PROGRAM UPDATE OCTOBER-DECEMBER 2022

REBATE

- Total funding for the rebate was previously reported as \$9.3M and has increased to \$9,772,000. Farmer investment is over \$100M.

STAKEHOLDER ENGAGEMENT

- The quad bike team worked with WHS Regional to distribute quad bike, SSV and child safety, rebate and free training advice at regional SafeWork NSW events including Family, AgGroup (Ourmedah), Vehicle Recovery sessions (Onefell, Newcastle, Coonamble), Murrumbidgee Field Days, Australian National Field Days (Orange), Temora Family Expo, GLENRAC Rural Women's Day (Ben Lomond) and Primex (Castrol).
- SafeWork NSW participated in the Department of Education Passport Program at Primex. Students were asked why kids aged 16 and under should not ride on adult sized quad bikes - even as a passenger.
- The 15th bi-annual Quad Bike Safety Industry Action Group meeting was held on 9th November, with presentations by NSW Farmers, Tocal College, WHS Regional and the Quad Bike Team. The Group continue to amplify key safety advice through their networks.

COMMUNICATION ACTIVITIES

- A print ad and editorial to encourage helmet use on quad bike and seatbelt use in SSVs featured in the October Small Farms Magazine (distributed to 3,400 small farms in NSW).
- A "high rain fat safety" social media campaign provided critical flood and vehicle recovery information in November. The campaign reached 70,000 people and achieved 1,458 website clicks. [Facebook Post](#), [Twitter Post](#), [Newspaper](#)
- The Quad bike and WHS Regional teams collaborated on a media release and social media safety messages for National Agriculture Day on 18 November. [Facebook Post](#), [Twitter Post](#), [Media Release](#)
- A "Get Home Safe" campaign promoted rebates, free training, and safe use in November. The Land and The Rural featured a print ad (see left) and targeted social media campaigns were in market. The campaign reached 292,064 people and generated 520 website clicks. Print ad (see left) | Facebook Post | [Newspaper](#)
- The National Quad Bike Surveillance Program with 10W Fat Trading and ACCC reported that quad bike rebates improved compliance with national safety laws from 84% in 2021 to 94% in 2022. The outcomes were shared to farmers via a [Facebook Post](#).
- A "Keep Safe these school holidays" social media campaign to encourage those visiting farms over the Christmas holidays to keep safe was in market in December. The campaign reached 79,863 people and generated 434 website clicks. Facebook post | [A media release](#) was also published to support the campaign.
- A "Quad bikes and kids are a deadly mix" safety campaign promoted important child safety messaging in December. The Land and The Rural featured two print ads (see right) and one online digital ad (see images above left). A targeted social media campaign was also in market and further child safety messaging published in the [December SafeWork Wrap](#).

CHILD SAFETY CAMPAIGN

Getting home safe is what matters most

2022 safety rebates and free training available

Quad bikes and kids are a deadly mix, even as a passenger

Child Safety Campaign Print Ad (1 of 2)

6.13 Appendix 13: Mentally Healthy Workplaces program

Mentally healthy workplaces targeted education and awareness program

Before the COVID-19 pandemic, nearly one in six workers were experiencing mental ill-health in a four-week period. To drive change, and improve support in workplaces, the *NSW Mentally Healthy Workplaces Strategy 2018-2022 (MHW Strategy)* was developed with a goal of 90,000 NSW businesses taking effective action to create mentally healthy workplaces by 30 June 2022.

At a high level, the MHW Strategy has delivered the following as part of the targeted education, training and advice program:

Mental Health at work website

The Mental Health at Work website is a self-service hub with practical guidance and evidence-informed practical tools and resources for business. The website has had more than 1.21 million unique page views since 2018.

Advertising Campaign

A multi-channel paid campaign was developed to raise awareness of the importance of mentally healthy workplaces and drive traffic to the website. The campaign included advertising on radio, podcasts, digital display and social media. The campaign had positive results with:

- 88% of those aware of the MHW Strategy said it provides meaningful and actionable tips on how to create/manage a mentally healthy workplace
- 82% of those who were aware of the campaign said they had taken positive action in relation to mental health at work.; and
- 79% of those surveyed said the ads were informative.

Ambassadors

We partnered with leaders from a range of industries who are creating positive change as MHW Ambassadors.

Ambassadors lead by example and promote initiatives and their own experiences to empower others to act. The Ambassadors had a reach of 2.98 million users generating 50 media stories and 9 case studies.

Free Training

We developed mental health at work training delivered by Black Dog Institute with tailored packages for employers, managers and workers. Since 2019, 30,779 individuals have received the training with participants feedback including:

- 99% recommend the training
- 75% of managers took action to prevent or minimise risks to mental health in the workplace
- 34% increase in knowledge
- 24% increase in confidence.

Free coaching

As part of the program, there are free confidential one-on-one coaching sessions, where a coach helps employers address issues or identify risks to mental health in the business and provides practical tools and strategies to manage them. So far 1,149 businesses have received coaching with 90% reporting having improved confidence to act on the recommendations.

Free Tools

The program has developed two significant tools to assist workplaces:

- The Workplace Wellbeing Assessment was launched in October 2022 and enables employers to survey their staff, use insights from their leaders and workers and check how their

business is performing in areas critical to workplace mental health, such as leadership and culture. Based on their results the employer gets recommended actions to improve their workplace.

- The Workplace Pulse Check is an 11-question tool that provides individual users with a workplace capability score, and benchmarks against similar businesses and actions to improve. Businesses use this to build their business case to invest in mental health.

Evaluation of the MHW Strategy

Instinct and Reason has conducted evaluations into the MHW Strategy in 2017, 2020 and 2022 (final to be published in February 2023).

The evaluation found a 37.5% increase in the number of NSW businesses taking effective action to create mentally healthy workplaces since baseline in 2017. The Strategy target of 90,000 businesses taking effective action to create mentally healthy workplaces was achieved by 103%.

6.14 Appendix 14: Social media reach

Social Media Reach

A snapshot of how all paid campaigns/activity (split out by channel) from 2020 to 2022 is provided below:

Campaigns/Paid Activity (Detail by channel and year)

LinkedIn Campaigns SafeWork	2020	2021	2022
Reach	12,430	687,971	953,171
Impressions	166,340	2,728,952	3,710,453
Clicks	1,338	13,909	19,217
Spend	\$ 10,961.61	\$ 89,538.07	\$ 71,466.47
Meta Campaigns SafeWork	2020	2021	2022
Reach	432,131	972,053	2,753,540
Impressions	1,343,643	4,744,770	19,991,046
Clicks	4,023	36,962	92,451
Spend	\$ 4,498.70	\$ 40,930.66	\$ 98,551.29
YouTube Campaigns SafeWork	2020	2021	2022
Reach	263,965	852,383	162,888
Impressions	475,137	1,108,098	260,622
Clicks	1,068	5,195	220
Spend	\$ 2,999.61	\$ 16,423.27	\$ 5,393.64
Twitter Campaigns SafeWork	2020	2021	2022
Reach	nil	nil	1,717,305
Impressions	nil	nil	2,184,317
Clicks	nil	nil	2,400
Spend	nil	nil	\$ 1,978.65

A snapshot of how all unpaid campaigns/activity (split out by channel) from 2020 to 2022 is provided below:

Organic Activity (Detail by channel and year)

LinkedIn SafeWork Organic	2020	2021	2022
Reach	no data	no data	257284
Impressions	no data	no data	426651
Clicks	no data	no data	12464
Engagement	no data	no data	7756
Meta SafeWork Organic	2020	2021	2022
Reach	1,216,995	266,089	168,916
Engagement	7,812	6,872	4,407
Twitter SafeWork Organic	2020	2021	2022
Impressions	318,800	189,100	2,261,500
Clicks	1,265	1,228	2,953
Engagement	726	665	1,220

6.15 Appendix 15: Stakeholder Forums

Summarised below are some examples of the stakeholder forums.

SafeWork NSW established forums

- Quad Bike Safety Industry Advisory Group (QBSIAG)
- Regional safety groups e.g. Far South Safety Group, Shoalhaven Safety Group, Coffs Harbour Safety Group
- Recreational Diving Industry Stakeholder Group
- Inter-jurisdictional Diving Catch Up
- Musculoskeletal Disorders (MSD) Consultative Committee
- Musculoskeletal Disorders (MSDs) patient handling in aged care sub-committee
- SafeWork NSW Musculoskeletal Disorder (MSD) LinkedIn
- Nurses' Union quarterly meetings to discuss violence in health sector
- Mentally Healthy Workplaces Advisory Board
- Mentally Healthy Workplaces Ambassador meetings
- Action Against Violence in NSW Hospitals Working Group
- Health Care and Social Assistance Sector Community of Practice online stakeholder sessions
- Housing Industry Consultative Committee (HICC)
- Demolition and Asbestos Consultative Committee (DACC)
- Universities Chemical Safety Group
- Major Hazard Facilities (MHF) Community of Practice
- NSW MHF Forum
- MHF Consultative Committee
- SafeWork NSW chairs quarterly HWSA Construction Interventions Community of Practice meetings
- SafeWork NSW establishes and works with regional safety groups, unions, and associations to bring regional expertise together to build the WHS capability of regions. major regional construction contractors, building product suppliers, and associations are members of various regional safety groups
- Strategic meetings with Construction Forestry Maritime Mining and Energy Union (CFMMEU) and Electrical Trades Union (ETU)
- Strategic meetings with the Australian Manufacturing Workers' Union (AMWU) and member of the Infrastructure NSW Women in Construction Industry Advisory Group
- Initiated representation on the Infrastructure NSW Construction Leadership Group (CEO level) and has so far attended in July, August, September and October 2022
- NSW Government agencies quarterly meetings
- SafeWork NSW and NDIS Quality and Safeguards Commission interjurisdictional meetings

Stakeholder forums attended by SafeWork NSW

- National Transport - co regulator forum
- Decreasing the Rate of Road Fatalities Community of Practice (Comcare lead)
- Transport Network Forum (Comcare) (bi-annual)

- Local Government Regional Council safety group meetings
- HWSA Work Health and Well-being Community of Practice
- Skin Cancer Prevention Advisory Committee
- Mouse Plague Advisory Committee
- Japanese Encephalitis Stakeholder Reference Group
- Workplace Ergonomics Regulators Australia and NZ (WERANZ)
- Heads of Workplace Safety Authorities (HWSA) MSD Sub-committee
- NSW Utilities & Electrotechnology (U&E) iTab (energy skills)
- Industry Safety Steering Committee (ISSC) – Electricity Supply Industry
- National Electrical and Communications Association (NECA) industry forums
- NSW Construction Industry Forum
- Forklift & Industrial Truck Association
- Psychological Health Community of Practice
- People at Work Working Group
- NSW Mental Health Cross Agency Working Group
- NSW Workplace Mental Health Network
- HWSA National Disability Insurance Scheme (NDIS) Working Group (ongoing) – meets quarterly and ad hoc as required
- Heads of WHS Australia (HWSA) Work Health and Wellbeing Community of Practice
- Healthy Heads in Trucks and Sheds Advisory Board (led by HHTS NFP)
- Healthy Heads in Trucks and Sheds – Wellbeing Group (led by HHTS NFP)
- Healthy Heads in Trucks and Sheds – Working Party – Training and Education (led by HHTS NFP)
- HWSA Major Infrastructure Community of Practice meetings
- EPA/SafeWork NSW Strategic meeting
- NSW Asbestos Coordination Committee and Working Group (NACC)
- Asbestos Awareness Committee (AAC)
- HWSA Imported Materials with Asbestos Working Group
- Australian Explosive Industry Safety Group
- Australian Institute of Dangerous Goods Consultants (AIDGC)
- LPG Supplier Safety Forum + Fuel Supplier Safety Forums
- Government Occupational Hygiene Regulators (GOHR) Community of Practice
- iCare – Silica engagement
- Construction Services Group (CSG) inter jurisdiction meetings for cross border collaboration
- NSW Construction Leadership Group, led by Infrastructure NSW
- Construction Safety Alliance (CSA) - facilitated by the Master Builders Association NSW
- National Silicosis Prevention Strategy meeting

Targeted program consultation examples

- NSW Farmers - external consultation session July 2022 WHS Roadmap

- Ski season and alpine area meetings/proactive visits
- Healthy Heads in Trucks and Sheds, Mental Health - Transport sector
- Focus groups relating to the Musculoskeletal Disorder (MSD) Strategy and evaluation with relevant stakeholders
- Consultation associated with Codes of Practice (model and industry/jurisdiction specific) and other industry guidance, including
 - Scaffold guides
 - Formwork
 - Crane
 - Work near overhead powerlines
- Tripartite Working Group established with industry stakeholders, employer associations, unions, academics who helped inform the development of the *Code of Practice: managing psychosocial hazards at work* (no longer active)
- SafeWork Australia Mental Health Reference Group (every two months) – other regulators, unions and industry associations (no longer active)
- Building and Construction Sector Plan Evaluation 2022/23 external facilitator has been engaged for evaluation
- Health Care and Social Assistance Sector Plan Evaluation – stakeholders engaged via third party consultant to evaluate Sector Plan; and
- Commonwealth Residential Aged Care Accommodation Framework Consultation – meetings and workshops as requested.

6.16 Appendix 16: Grievance Handling Processes

BRD puts people at the heart of everything we do. We are committed to a climate of trust where employees feel confident and comfortable to report all types of wrongdoing or misconduct.

For that reason, we have in place a range of policies and procedures that provide principles and guidance for our employees to follow within the Department such as the Positive and Productive Workplace Policy, the Code of Conduct and Ethics and the Respectful Workplace Policy.

We encourage our staff members to raise concerns, complaints and grievances through a variety of channels including directly or indirectly with leaders, the anonymous DCS Integrity Hotline, MySafety Incident Reporting, the HR Business Partner team, the Safety & Wellbeing team, Mental Health First Aiders and HSAs.

These are promoted on our Intranet site, email communications from leaders, in new starter and refresher training.

All concerns raised are treated seriously.

Where can our people raise concerns, complaints or grievances

The Department of Customer Service is committed to fostering a culture of the highest ethical standards. This means all staff all have a responsibility to report and help prevent any incidents and behaviours that could compromise these standards.

In accordance with our Report Wrongdoing and Public Interest Disclosure Policy all staff are all obliged to report anything we believe breaches the DCS Code of Ethics and Conduct including bullying, harassment, and inappropriate workplace behaviours. We ask people to report where they feel or know something is wrong.

To ensure that our people feel supported and safe to raise any concern we have in place different channels for reporting set out below:



Some of these channels are focused on specific concerns such as workplace safety, whereas others are broader such as the DCS Integrity Hotline.

We encourage staff to first raise concerns with their leader, however, we understand that our people may not always feel comfortable with this option and have in place the alternatives above.

As an example, the DCS Integrity Hotline is an anonymous and confidential option for making a report any complaints, concerns or risks relating to:

- Fraud and corruption
- Staff misconduct, including for example, bullying, harassment, sexual harassment
- Unethical conduct
- Any concern about workplace health and safety
- Data, information security or privacy; and
- Any other breach of policy, concern, suspected issue.

The Hotline is managed by an external provider to ensure the anonymity of matter raised. The Hotline can be accessed in a variety of different methods including phone, email, letter, on a website or mobile application.

All reports are treated seriously and referred to key senior staff in the Governance, Risk and Performance, People and Culture, ICT teams (depending on the concern raised).

What processes are in place to resolve any concern, complaint or grievance

The Positive and Productive Workplace Policy sets out for our people the ways in which conflict and grievances can be managed in the workplace, and applies to all employees, including temporary employees, contractors, consultants and board members.

Initially all grievances or complaints are assessed by our People and Culture team and the most appropriate pathway for resolution is determined. These are summarised in the Positive and Productive Workplace Policy as:

- Direct resolution at local level (between individuals one on one to air concerns)
- Facilitated resolution within work group (either by Manager or independent, such as HR, external conflict coach)
- External resolution & Investigation (investigation – either internal or external)

Importantly, all grievances and concerns raised are treated individually. There is not a one size fits all approach and the type of action to be taken will be decided on a case-by-case basis.

The above process is communicated and accessible to all DCS employees on the internal Intranet, reminders set out in onboarding and refresher training, and in email updates.

Employee Assistance Program and staff support

We understand that raising a report in the workplace can be difficult. Support is provided for our people through our People and Culture team, leaders, and our employee assistance program. Our provider Benestar offers individual counselling sessions, 24-hour hotline, webinars and other tools to support our people.

SafeWork Inspectors have access to additional support services tailored to incident response given the nature of their duties.

Staff also have access to a range of Wellbeing programs, training and services including Mental Health First Aiders and our Wellbeing Hub.

SafeWork NSW

Address: SafeWork NSW
Locked Bag 2906
Lisarow NSW 2252

Phone: 13 10 50

Website: <https://www.safework.nsw.gov.au/>

