

[REDACTED]

From: [REDACTED]@fire.nsw.gov.au>
Sent: Tuesday, 28 February 2023 1:30 PM
To: SafeWork NSW Review Enquiries
Cc: Trent Curtin; [REDACTED]
Subject: FRNSW submission – Independent Review of SafeWork NSW

Attn: [REDACTED]

Hello,

Thank you for the opportunity to provide a written submission on the Independent Review of SafeWork NSW. Fire and Rescue NSW (FRNSW) would like to provide the following comments in relation to this review.

- Emergency responders, specifically FRNSW, rely heavily on up-to-date intelligence when responding to incidents to form effective Incident action plans. This is especially the case when the incidents occur at facilities manufacturing, processing, and storing dangerous goods. Safework NSW regulatory function in the enforcement of chapter 7 and chapter 9 of the *Work health and Safety Regulation 2017* is invaluable to emergency responders. Their powers of enforcement and compliance ensure hazardous chemical facilities not only operate safely, protecting workers and the community from the consequences of incidents involving hazardous chemicals, it ensures emergency responders have access to critical incident intelligence when responding to incidents at these facilities. Working together, FRNSW and Safework NSW can actively reduce the potential catastrophic consequences of incidents at Hazardous chemical facilities.
- Safework NSW educational function aims for PCBUs to achieve a voluntary compliance / self-regulation approach amongst industry. Safework NSW educational functions serve to ensure PCBUs comply with obligations under WHS legislation without the need for enforcement action. The Safework NSW website provides volumes of industry specific WHS information to inform safe work practises in industry. Their targeted programs identify risk areas and target education and compliance actions to mitigate the risk. This brings safety to potentially dangerous activities leading to decreases in workplace incidents easing the load on emergency services and health and welfare organisations.
- Despite the best efforts of the Dangerous Goods and Explosives team, it does seem their resourcing is overwhelmed by the volume of work in the Manifest Quantity Workplace (MQW) space. FRNSW understand that there are thousands of these facilities and whilst the consequence of an incident “may” not be as severe as one at a designated Major Hazard Facility, the likelihood is just as high and, in many cases, higher.
- There is currently a discrepancy between the data FRNSW has on sites such as MQW’s compared to the data that SafeWork NSW has. Currently, due to system constraints, unique sites from Safework’s GLS database cannot be directly compared to FRNSW CRM records. As such, the shortfall can be calculated but individual site compliance cannot be investigated.
- FRNSW are very dependent upon unrestricted access to Safework’s database and SafeWork’s capacity to carry out investigations and enforcement actions for FRNSW’s Emergency Plan assessment recommendations in accordance with legislation. It is in FRNSW and the community’s interest that our partner agencies are adequately resourced in the enforcement of safe practices at facilities with Dangerous Goods. These safe practices will help to protect life and property and prevent and extinguish fires in accordance with the FRNSW Act.
- As identified above, the resourcing of SafeWork in the MQW environment does not seem commensurate to the risk presented. To change the behaviour (eliminate self-regulation / voluntary compliance) and work practices of industry in this area will require a significant resource commitment by Safework and FRNSW.
- The resourcing framework supporting effective Safework regulation of the Major Hazard Facilities (40 in total across NSW) identifies that appropriate resourcing would enable effective regulation of all dangerous goods sites in NSW.

We would welcome the opportunity to further discuss any of these points.

Thank you.

Kind Regards,



Manager
Fire Safety Policy Unit | Fire and Rescue NSW

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