

**Report on the online questionnaire process:**  
**Inquiry into the provisions of the Work Health and Safety  
Amendment (Review) Bill 2019**

As part of its inquiry into the Work Health and Safety Amendment (Review) Bill 2019, Portfolio Committee No. 1 – Premier and Finance opened an online questionnaire to enable public participation in an efficient and accessible way.

The committee received 6 responses to the online questionnaire. This report summarises the views expressed by participants and provides samples of these views. Sample comments have been chosen to best represent the views expressed by the participants.

### **Questions asked**

Participants were asked three main questions, including a question regarding the individual respondent's position on the bill and open ended questions regarding:

- the reasons for their position on the bill
- any other comments to explain their views on the bill.

The questions are reproduced at Appendix 1.

### **Responses to questions**

#### ***Question Two: What is your position on the bill?***

Question Two was presented in a multiple choice format and participants were able to choose from the options of 'Support', 'Neutral / Undecided' or 'Oppose'.

The majority of participants (4 of the 6 respondents) supported the bill. These participants offered various reasons for their support but generally conveyed the view that the bill strengthened workplace safety.

Two participants indicated their neutrality, for different reasons. One provided a number of criticisms of specific provisions, indicating these would cause a problem for small and medium enterprises. The other indicated the bill did not go far enough to support workplace safety.

No participants opposed the bill.

Samples of the comments made to support these views, in response to Questions Three and Four, are provided over the following pages.

***Question Three: In relation to the previous question, please explain your position on the bill.***

'Neutral / Undecided' comments

One participant offered the view that the bill presents problems for small and medium sized enterprises (SMEs):

- 'The proposed amendments to Section 72 do not appear reasonable nor practical for the PCBU, particularly those that are SMEs. By omitting the ability of the PCBU and HSR to consult on the choice of training course, this removes the practicality of consulting and reaching an agreement on the costs of the training course. This places financial risks and burdens on SMEs which may act as a deterrent for such businesses to actively engage in providing the proper training for any HSR, especially when they could be faced with unreasonable training costs imposed by the HSR's choices.'
- 'Similar concerns are present in relation to the proposed insertion of Section 272A relating to the impacts of this for SMEs and their ability to remain financially viable should they be faced with a monetary penalty. Whilst consideration is given to the intent of such penalties to deter PCBU's from breaching WHS Laws, such provision offers no financial protection to SMEs and could act as a deterrent to PCBU's engaging in business or hiring staff due to the high level of financial risks associated. This would also have a significant economic impact, particularly on regional and rural NSW if SMEs viability were to be threatened by the inability to afford such hefty penalties without the protection offered through insurance. This may lead to loss of employment, in particular for young apprentices. The closure of businesses in regional and rural NSW has a larger cascading effect on local economy than would be felt in the metropolitan area.'
- 'With regards to the proposed amendment of Section 231(1)(b), the concern is that the proposal of extending the period to 18 months may have unintended detrimental consequences in any prosecutions. The validity of evidence gathered through an investigation is increasingly compromised with the passing of time which is specifically attributed to factors such as staff turnover and natural lapses in human memory.'

Another participant was concerned the bill did not go far enough to protect workers:

- 'The penalty for breaches of the WHS regulation are so low they are hardly a deterrent.'
- 'I applaud the pollys for doing something about work health and safety but the workers of NSW are dying or are being seriously injured physically and psychologically each and every day. Meanwhile the regulator is left with inadequate and extremely weak legislation and laughable fines/penalties.'

'Support' the bill comments

Participants supporting the bill offered a range of reasons, for example:

- 'The changes should support the inspectors to effectively undertake their role. I support the need for increased accountability in the workplace.'
- 'The ability to share information across health and safety regulators will prevent companies from changing states to restart their business after gross safety breaches.'
- 'I do believe you should be able to ensure some indemnity through insurance for WHS fines but not all WHS fines.'

- 'The recommendations made in the WHS review and now outlined in the Bill should be supported as they are important in reducing workplace harm.'
- '[The bill] 'clarifies and removes ambiguity.'

***Question Four: Do you have any other comments on the bill?***

Only two participants provided a response to this question, each adding a specific concern about current work health and safety regulation and a call to return to historic practice:

- 'The Health and safety regulations need to address the growing issue of Psychological injuries in NSW workers. There needs to be a s19 “fine/penalty” for serious incidents so the regulator has the option to issue fines rather than spending considerable resources to fully investigate a breach of the act that can take a considerable amount of time and resources. The old NSW OHS legislation had this fine/penalty.'
- 'Work Place Health and Safety Officers need to be reinstated in the workplace.'

**Conclusion**

The online questionnaire provided a mechanism to seek the views of interested stakeholders on the bill. In addition to the online questionnaire, the committee sought more detailed, written submissions from organisations and individuals with specialist knowledge in the field.

The committee notes that participants cannot be considered to represent a statistically valid, random sample of views on the bill. The participants were self-selected in choosing to respond (in the same way that submission authors are self-selected) and should not be considered to be a representative sample of the population..

## Appendix 1: List of questions asked

### Questions

1. Please enter your contact details.

Name:

Email address:

Postcode:

2. What is your position on the bill?

a. Support

b. Neutral / Undecided

c. Oppose

3. In relation to the previous question, please explain your position on the bill.

*500 words – free text box*

4. Do you have any other comments on the bill?

*250 words – free text box*