



## Customer Service

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Mr Darren Greenfield  
State Secretary  
Construction Forestry Mining & Energy Union (NSW Branch)  
By email:

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Dear Mr Greenfield

Thank you for your correspondence to the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation about SafeWork NSW's response to notified events. The Minister has asked me to respond to you.

SafeWork's management of notified events, complaints and incidents, is guided by the National Triage Decision Making Framework (**national framework**). The national framework was adopted by NSW in 2012 as part of SafeWork's commitment to harmonised work health and safety legislation.

The key principles in guiding the exercise of SafeWork's regulatory functions are outlined in the National Compliance and Enforcement Policy. They are consistency, constructiveness, transparency, accountability, proportionality, responsiveness with a targeted focus on high risk industries and activities.

In applying those key principles, notified events are assessed and triaged by SafeWork to ensure resources are targeted toward the areas of greatest need. Each event is then prioritised to best meet regulatory objectives.

These initial decisions also impact determinations about site preservation. Events that require an immediate response will almost always result in preservation of the site. However, there are some reasons for not preserving the site and these relate to making the site safe, assisting injured persons or removing a deceased person. The site may also be disturbed due to emergency services requiring access or NSW Police Force investigations.

To appropriately utilise SafeWork's inspector resources, triage systems have been implemented to help prioritise matters requiring an immediate or urgent response. This means those that can be addressed using alternative approaches, that do not require the immediate attendance by a SafeWork inspector, can be handled by other means.

Some of the factors that influence the priority and nature of SafeWork's response activities and influence decisions about site preservation are:

- The nature and seriousness of the event and the prevalence of a residual risk;
- Existing controls for the related risk and actions taken immediately following an event;
- Whether there was a significant deviation from any prescribed systems of work including regulatory requirements; and
- The potential need for evidence to be preserved to fulfil regulatory obligations.

Earlier this year, SafeWork conducted a review of the operating model for the receipt and management of notified events. Calls are initially assessed by the Department's Customer Experience (CE) team call centre. In all instances involving notified incidents, CE staff consult with a SafeWork Duty Inspector whose role it is to assess and triage the event. The Duty Inspector determines the nature and priority of SafeWork's response, taking response priorities into consideration, and advises whether the scene must be preserved.

It is important to note that this assessment is undertaken having evaluated information provided to SafeWork by the individual reporting the incident. It has been identified that in a very small number of cases, this initial information has been inaccurate in some respects and may also have resulted in either a higher or lower level of response.

On average, SafeWork receives over 700 incident notifications and more than 950 requests for service/complaints each month. There are also several proactive programs targeting priority harms and priority sectors which have been identified in our WHS Roadmap – 2022. It is therefore critical to strike the right balance between our proactive and reactive work to achieve constructive, sustainable and lasting regulatory outcomes.

SafeWork continually reviews its assessment and triage process to ensure that Inspector resources are being appropriately allocated. To support our Administrative Response process, where correspondence is sent to the business highlighting concerns and responsibilities, up to 20% are targeted for Inspector follow-up through a robust verification program.

Additionally, SafeWork Operational areas will look to further strengthen response strategies by identifying businesses, projects or hazard areas which are a higher risk and ensure any notified events that meet this criteria have a more stringent primary and secondary triaging process.

If you would like further information, please feel free to contact Mr Rick Bultitude, Director Investigations and Emergency Response on [redacted] or at [redacted]

Yours sincerely

**Valerie Griswold**  
Executive Director Investigations and Enforcement

01/12/20