

Better Regulation and Innovation

Friday 5 March 2021

Responses to Questions taken on Notice

| Question |
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| <p>The Hon. DANIEL MOOKHEY: Let me talk to you about a serious a matter, which led to a fatality. In January 2021 a worker at AWB Contractors, located at Rozelle, was killed in a workplace facility. I am happy to give you the incident notification form. It is to do with AWB Contractors. Is it the case that in December 2019, or 2020 to be fair, SafeWork NSW received reports about unsafe practices at AWB Contractors? You can confer if you need to.</p> <p>Mr KEVIN ANDERSON: Yes, thank you.</p> <p>The Hon. DANIEL MOOKHEY: This is another circumstance in which a matter is drawn to the attention of SafeWork NSW. It is not investigated as far as anyone can see, then a fatality takes place.</p> <p>Mr KEVIN ANDERSON: I will clarify, Mr Mookhey, in terms of "not investigated as far as anyone can see". I will ask Mr Williams in relation to this matter.</p> <p>The Hon. DANIEL MOOKHEY: Yes, sure. It is a serious matter. That would be helpful.</p> <p>Mr KEVIN ANDERSON: Yes, it is.</p> <p>Mr WILLIAMS: Yes, I confirm this matter is currently under investigation by SafeWork NSW. As was noted, we received a notification on 6 December in relation to that workplace.</p> <p>The Hon. DANIEL MOOKHEY: When you received that notification on 6 December did you send an inspector out?</p> <p>Mr WILLIAMS: An inspector did attend the site. At the time they attended no work was occurring. The gates were locked. It was determined that they would reopen at a later stage. Between that initial visit by an inspector when the site was not open to the fatality—unfortunately, a fatality did occur—but an inspector did attend the site. The site was closed.</p> <p>The Hon. DANIEL MOOKHEY: I will unpack the details again. Basically, I do understand the evidence. A report was received, an inspector went out and could not see anything. Did the inspector go back at any point?</p> <p>Mr WILLIAMS: So they did attend the site initially, as I say. It was locked. Unfortunately, the fatal incident occurred prior to another visit taking place.</p> <p>The Hon. DANIEL MOOKHEY: But you had received complaints about AWB Contractors previously to 6 December complaint, hadn't you?</p> <p>Mr WILLIAMS: About this specific contractor?</p> <p>The Hon. DANIEL MOOKHEY: Yes.</p> <p>Mr WILLIAMS: I would need to take that on notice, Mr Mookhey, to confirm it.</p> |
| <p>ANSWER</p> <p>Since 2012, SafeWork NSW has received three other Requests for Service (RFS) (complaints) against AWB Contractors Pty Ltd (all in 2017).</p> <p>They were not at the same site location as the RFS received on 6 December 2020. The result for these RFS was 'no further action'.</p> |
| <p>Mr KEVIN ANDERSON: I do have confidence. When you look at the numbers, on average, SafeWork receives over 700 incident notifications and more than 950 requests for servicing complaints every month. So that is why you have to have that very robust national triage framework in place. I have confidence and I can assure you that they respond as they should through that triage process.</p> |

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| <p>The Hon. DANIEL MOOKHEY: Of those 700 complaints that are received per month, how many lead to an inspector visit?</p> <p>Mr KEVIN ANDERSON: Again, we would need to take that on notice or you can ask that of the official this afternoon.</p> <p>The Hon. DANIEL MOOKHEY: Is it circa 220?</p> <p>Mr KEVIN ANDERSON: I am happy to take that on notice, Mr Mookhey, or ask one of our officials this afternoon for the exact numbers.</p> |
| <p>ANSWER</p> <p>Since July 2019, on average 59% of requests for service result received by Safework NSW in an inspector response.</p> |
| <p>Mr DAVID SHOEBRIDGE: What product have those non-Class 2 buildings—the hospitals, the cinemas, the shopping centres—what cladding product have they replaced their dangerous cladding with?</p> <p>Mr KEVIN ANDERSON: In relation to the work that has been done privately, I am unfamiliar with that and I can take it on notice.</p> |
| <p>ANSWER</p> <p>Consideration of any cladding remediation is done on a case-by-case basis because remediation and any replacement needs to take into account the unique characteristics of the building and the application of Australian Standards. These include the type, amount, location and configuration of the cladding on the building and the building's overall fire safety.</p> |
| <p>Mr DAVID SHOEBRIDGE: Minister, could I take you to the proposal for what is going to replace the identified combustible cladding. That is, I think, on page 4. Do you see a third of the way down it says, "The criteria developed by the CPSP are as follows," and the first is, "Non-combustible according to the National Construction Code i.e. not deemed combustible as determined by AS 1530.1." Then it says, "Combustibility Tests for Materials, or the use of a product specifically listed in the BCA that can be used ... " So if it meets either of those standards, then it gets the tick. Is that right?</p> <p>Mr KEVIN ANDERSON: Just to clarify, Mr Shoebridge, at this point in time the Cladding Product Safety Panel has not determined which products they will be releasing in their report at the end of March.</p> <p>Mr DAVID SHOEBRIDGE: I get that. But the criteria are—and I am just asking you this—it meets 1530. That is right?</p> <p>Mr KEVIN ANDERSON: Correct.</p> <p>Mr DAVID SHOEBRIDGE: If it meets 1530, tick.</p> <p>Mr KEVIN ANDERSON: Correct.</p> <p>Mr DAVID SHOEBRIDGE: That is the small-scale combustibility test. Is it not, Minister?</p> <p>Mr KEVIN ANDERSON: Correct.</p> <p>Mr DAVID SHOEBRIDGE: Then it says there is a second criteria, "Products and systems that demonstrate full compliance with verification method CV3 as discussed above." Do you see that?</p> <p>Mr KEVIN ANDERSON: Yes.</p> <p>Mr DAVID SHOEBRIDGE: Are they cumulative or alternate?</p> <p>Mr KEVIN ANDERSON: I will have to take that on notice in terms of the way that the Cladding Product Safety Panel would determine those.</p> |
| <p>ANSWER</p> <p>The Cladding Product Safety Panel's report, including its recommendations on these matters, will be made public when available.</p> |

The Hon. COURTNEY HOUSSOS: Minister, I might just pass up some materials to you. The material that I am going to provide to you is hopefully something that your bureaucrats will be aware of. It was a complaint lodged by the Electrical Trades Union on 28 May. If you turn to page 4, it is the original email that outlines that 2,000 circuit-breakers—with an estimated value of \$10 million—were not to Australian building standards and had caused the fire. Minister, you are not aware of this?

Mr KEVIN ANDERSON: No, I am not. I could ask my secretary if SafeWork was aware.

Ms WEBB: This was actually a matter dealt with by Fair Trading because it related to electrical safety, which is Fair Trading's responsibility.

The Hon. COURTNEY HOUSSOS: So you are aware of this, Ms Webb?

Ms WEBB: Yes, I am.

The Hon. COURTNEY HOUSSOS: Did you inform the Minister of this?

Ms WEBB: No, I did not personally inform the Minister. I am not aware if my staff may have informed his office, but I did not inform the Minister.

The Hon. JOHN GRAHAM: Could you take that on notice, though, to see if there was a briefing?

The Hon. COURTNEY HOUSSOS: Yes. Absolutely. Just for the purpose of Hansard, Ms Webb is nodding that she is taking that on notice. Minister, I will just outline for you, given our earlier delay, what the email says is that an official of the Electrical Trades Union attended and heard concerns and found that the circuit-breakers were actually Chinese manufactured circuit-breakers that were not to Australian building standards. They conducted an investigation. They went and spoke to the manufacturer and confirmed that they were not to Australian building standards and then contacted SafeWork. If you look earlier on page 4, you will see that they sought to follow up on the complaint and had not heard back on it, and had to follow up again simply to get a reference number for the complaint. Minister, do you think this is acceptable for an electrical fire on a major infrastructure project not to be investigated when there is electrical cabling risking lives not up to Australian standards?

Mr KEVIN ANDERSON: Well again, Ms Houssos, this is the first that it has been brought to my attention. I would ask Ms Webb to comment.

Ms WEBB: I would have to take on notice the exact details of communications back and forth, but we can get a response in relation to that.

ANSWER

See response to QON on page 61 of the transcript.

The Hon. COURTNEY HOUSSOS: Minister, or perhaps Ms Webb, can someone tell me what was done to investigate this fire?

Ms WEBB: Fair Trading had numerous engagements with the people responsible for the WestConnex tunnel—

The Hon. COURTNEY HOUSSOS: NorthConnex.

Ms WEBB: Sorry, my apologies. They did various inspections, understood what the switching material that did not meet the standard was, and I know there were several engagements, I just do not have the exact details of which days they happened here. But I can get that and bring that back to you.

The Hon. COURTNEY HOUSSOS: If you could provide that back this afternoon that would be helpful.

Ms WEBB: Yes, I will see what I can do.

The Hon. COURTNEY HOUSSOS: Minister, Transurban was reporting it to the market. They had a market update in August that confirmed that the date had been delayed again. They were being open and transparent with the fact the project was being delayed, but your department was not telling the public and you, Minister, were not telling the public about the actual cause of these delays.

Mr KEVIN ANDERSON: Ms Houssos, Ms Webb will come back to you with details on how that was handled this afternoon.

ANSWER

This question was answered during the afternoon session of the hearing. Please refer to page 59-60 of the transcript.

The Hon. COURTNEY HOUSSOS: Minister, I do not think that you will be able to answer my next question. Perhaps Ms Webb will be able to. Are you aware why the circuit-breakers were eventually replaced?

Ms WEBB: My understanding is, as you mentioned in your question, that they did not meet the Australian standard.

The Hon. COURTNEY HOUSSOS: And was that as a result of your inspections, Ms Webb?

Ms WEBB: My understanding is that the Fair Trading team worked with the developer and identified that these did not meet the Australian standard and an agreement was made to replace them all.

The Hon. COURTNEY HOUSSOS: So it is your testimony to this Committee that it was the actions of NSW Fair Trading that led to those circuit-breakers being replaced?

Ms WEBB: I want to get the exact details right. I am not quite sure of the sequence of events, whether it was the Fair Trading people who identified that they did not comply, or concurrently the builder had identified that, or a combination of the two. I know that there was a lot of work done back and forth, but I would just take on notice the exact course of events as to who exactly identified it. But we certainly did some testing. I just do not want to make the claim that it was our testing alone that found it. It might be a combination of everyone's testing.

The Hon. COURTNEY HOUSSOS: Well, Ms Webb, I would then like to ask you why a union, who is on the site and manages to conduct their own investigation within a week and make a complaint, never hears back about the outcome of that complaint.

Ms WEBB: As I mentioned, I will just take on notice the exact course of correspondence with the various complainants and I will let you know this afternoon if I can.

ANSWER

This question was answered during the afternoon session of the hearing. Please refer to page 59-60 of the transcript.

The Hon. COURTNEY HOUSSOS: That would be helpful, but when they did not get a response, they did not hear back about what was going on with the faulty electrical cabling and with these circuit-breakers that had already caused a fire, they then went and approached, through their own means, the electrical distribution company because they felt that NSW Fair Trading or SafeWork or anyone, the New South Wales Government, was totally neglecting their duties. They felt that they needed to go elsewhere to advocate, and went and spoke directly to the distribution company. It is their understanding that the reason that this actually got rectified in the end was that the distribution companies refused to connect a major infrastructure project to the power network.

Ms WEBB: I will have to take on notice the exact course of dealings and who my inspectors spoke to. I know they had lots of meetings, lots of discussions with a lot of parties, but I just do not have the material here about who spoke to who when, and I will have to take that on notice.

The Hon. COURTNEY HOUSSOS: You are not aware of why there was a delay to this? You did not feedback to your Minister about why there was a delay, that NSW Fair Trading could have potentially been aware of why there was a delay to the rollout of a major infrastructure project by the Government?

Ms WEBB: I think we were dealing with the people who are responsible for that infrastructure project, which is not the Minister.

The Hon. COURTNEY HOUSSOS: He did not think that that was an important thing to brief the Minister about?

Ms WEBB: I took on notice whether we briefed him or briefed his office, and I will get back to you on that.

The Hon. COURTNEY HOUSSOS: Minister, what is your reflection on this? There is an electrical fire on a major infrastructure project. Then someone conducts their own investigation. Months later it appears that perhaps NSW Fair Trading may have conducted an investigation, but they are not telling anyone about it. This is the first that we have heard about it. It is certainly the first that the people who lodged the complaint have heard about it. What is your response to this kind of way of managing the faulty electrical cabling, faulty circuit-breakers, on a major Government infrastructure project?

Mr KEVIN ANDERSON: I am hearing your side, Ms Houssos, and then Ms Webb's side as well, so let us get the facts on how that was handled and then we will make a determination when I get them in front of me.

ANSWER

This question was answered during the afternoon session of the hearing. Please refer to page 59-60 of the transcript.

The Hon. JOHN GRAHAM: I guess, Minister, I am surprised that you do not have the facts already, given the scale of the issue that my colleague has outlined. Is that a surprise to you?

Mr KEVIN ANDERSON: There has been a lot going on, Mr Graham, as you know throughout the pandemic and lots of other serious issues going on. Not every operational matter is brought to my attention so I will get those details from Ms Webb and happy to come back to the Committee.

The Hon. JOHN GRAHAM: Yes, but this is not every operational matter in the way it has been outlined. Would you have expected to be aware of this?

Mr KEVIN ANDERSON: Again, Mr Graham, I am unaware. I am hearing from Ms Houssos and Ms Webb, and let us get the facts in front of me. Then we will make a response. Happy to take that on notice.

ANSWER

This question was answered during the afternoon session of the hearing. Please refer to page 59-60 of the transcript.

The Hon. JOHN GRAHAM: If this had not caught fire, if this had not been caught, would it have gone undetected? How widespread are the sorts of problems across the infrastructure industry?

Mr KEVIN ANDERSON: That is a hypothetical, Mr Graham, and again—

The Hon. JOHN GRAHAM: It is not a hypothetical. I am asking generally how widespread are these sorts of problems in your opinion, Minister, as the Minister responsible for Fair Trading?

Mr KEVIN ANDERSON: In relation to this particular issue we will get those details for you, but I do not believe it is widespread. I do believe that the inspections in the regime put in place by Fair Trading and SafeWork and the inspectors in relation to electrical contractors and many others who work in the trades industry have the appropriate qualifications and are doing the job properly.

The Hon. JOHN GRAHAM: Ms Webb, other concerns, I understand, were raised about the cabling. Can you give us any information about that aspect of the project?

Ms WEBB: I will follow that up on notice with the other information—cabling as well as switches.

The Hon. JOHN GRAHAM: Understood. And when you take that on notice, Minister, can you perhaps on notice—given you are not aware of the details and I accept that—come back and give us some assurance that these issues are now satisfied to your satisfaction; that they are now safe, given the details that have been outlined by my colleague?

Mr KEVIN ANDERSON: I will be very keen to get to the bottom of it, Mr Graham.

ANSWER

The question regarding the compliance response was answered during the afternoon session of the hearing. Please refer to page 59-60 of the transcript.

On 28 May 2020, the Electrical Trades Union (ETU) sent an email to NSW Fair Trading raising a number of complaints relating to the NorthConnex Project including the “emergency lighting installation” not complying with Australian Standards and Regulations.

The email outlined four areas of concern – the first related to the emergency lighting in general, the second and third concerns related to the circuit breakers used in the emergency lighting Distribution Board that caught fire (the fire incident), and the fourth concern related to some cabling associated with the emergency lighting that was burnt in the fire incident.

The email stated that “*The ETU also believes the cabling associated with the Emergency lighting is non-compliant as it is not fire rated. The ETU and workers have been denied access to the Distribution Board that caught fire but we believe all the cabling above the board was also damaged by fire which would indicate it is not properly fire rated*”.

An independent electrical engineer’s report was examined by NSW Fair Trading. The report refers to an inspection of the Distribution Board and the overhead cables. Based on the physical evidence examined, the report made no adverse comment on the fire rating or standard of the cables and opined that the fire was likely to have originated inside one of the miniature circuit breakers.

The Hon. DANIEL MOOKHEY: I have a short follow-up to the questions my colleague Ms Houssos was asking. Did anybody from the NorthConnex project check with Fair Trading that they were installing the right equipment prior to it erupting in flame?

Mr KEVIN ANDERSON: Again, Ms Webb.

Ms WEBB: I will have to take that on notice about whether we had a query along those lines.

ANSWER

NSW Fair Trading has no record of being contacted by the NorthConnex Project about the equipment they were installing. It is not common practice for a trader to contact Fair Trading prior to installation.

The Hon. COURTNEY HOUSSOS: Minister, I want to come back to the question that you did not know about this happening because the electrical fire was actually reported by *The Sunday Telegraph* on 31 May. Do you regularly read the newspapers, Minister?

Mr KEVIN ANDERSON: Ms Houssos, I do a lot of reading, but particularly in relation to this matter I am happy for Ms Webb to get the facts in terms of the correspondence between both parties and get to the bottom of how this came about.

The Hon. COURTNEY HOUSSOS: It was concerning enough for *The Sunday Telegraph* to run a story at the time and you did not pick up on that, the fact that there might be some substandard electrical work. Maybe your department should investigate this?

Mr KEVIN ANDERSON: Again, Ms Houssos, let us get to the bottom of how this occurred and we will come back to you with the response and the correspondence between both parties and how it actually got to that point.

The Hon. COURTNEY HOUSSOS: Maybe you could also provide us whether you or your office or anyone picked up in their media monitoring reports an electrical fire that had occurred on a major infrastructure project; that maybe someone should go out there and check it out; that maybe one of your bureaucrats should see what is going on with an electrical fire; that maybe this might be something that the people who are regulating building standards in New South Wales should be concerned about?

Mr KEVIN ANDERSON: There are two parts to your question there, Ms Houssos. You are talking about a Transport for NSW project as opposed to building and construction. I am confident in terms of the building construction sector what we have put in place is a commitment to restore confidence back into the building and construction market under the Office of the Building Commissioner to ensure that customers and consumers can have confidence in what we are doing. So they are two separate areas.

The Hon. COURTNEY HOUSSOS: Minister, this is a major construction project that is, according to them, employing roughly 8,700 people, and you are saying that that is not part of the regulatory regime that is overseen by you?

Mr KEVIN ANDERSON: In terms of what I was explaining to you then was that this is a particular project in conjunction with transport—

The Hon. COURTNEY HOUSSOS: Which you have responsibility for regulating the safety of as a workplace. Would you accept that, Minister?

Mr KEVIN ANDERSON: Through that particular project. So we will get to the bottom of what happened between both parties, Ms Houssos, and we will get it sorted for you.

ANSWER

At the time the story was published, the matters had already been raised with Fair Trading and Safework and compliance activity was underway.

I am unaware if any media monitoring alerts were received by my office on the matter.

The Hon. COURTNEY HOUSSOS: Minister, I would also like to know whether your office saw the article on 31 May and thought that maybe this might be something that we need to investigate. Has something happened?

Mr KEVIN ANDERSON: I am happy to take that on notice, but in terms of the amount of reading that my staff do, I will ask around to see if they did read the article. You have heard from Ms Webb, the Deputy Secretary, that she will do that due diligence on coming back to you with how that played out.

ANSWER

Please refer to previous answer.

The Hon. COURTNEY HOUSSOS: Minister, you talked about your confidence in the regime of regulation. Can you tell me how many inspectors you have that are out there looking at electrical work?

Mr KEVIN ANDERSON: I will ask the secretary to detail those numbers.

Ms HOGAN: Tony, do you know those off the top of your head?

Mr WILLIAMS: No, I do not. Sorry.

Ms HOGAN: No, no—331 field inspectors, but I would have to take on notice how many of them are doing electrical and I will come back this afternoon, also with the Fair Trading number.

The Hon. DANIEL MOOKHEY: Great.

The Hon. COURTNEY HOUSSOS: If you can tell us whether those SafeWork inspectors—they are the SafeWork inspectors that are now able to inspect for licences as well? Is that correct?

Ms HOGAN: I will take that on notice as well.

The Hon. COURTNEY HOUSSOS: Okay.

Mr WILLIAMS: I can confirm that SafeWork inspectors do now hold powers under the Fair Trading Act and the Home Building Act, and they can undertake licence inspections, yes.

The Hon. COURTNEY HOUSSOS: Thanks to the advocacy of the Electrical

Ms HOGAN: No, no—331 field inspectors, but I would have to take on notice how many of them are doing electrical and I will come back this afternoon, also with the Fair Trading number.

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| <p>Mr WILLIAMS: I can confirm that SafeWork inspectors do now hold powers under the Fair Trading Act and the Home Building Act, and they can undertake licence inspections, yes.</p> <p>The Hon. COURTNEY HOUSSOS: Thanks to the advocacy of the Electrical Trades Union [ETU]. Thank you.</p> |
| <p>ANSWER</p> <p>SafeWork NSW inspectors hold powers under the <i>Fair Trading Act 1987</i> and the <i>Home Building Act 1989</i>, and they can undertake licence inspections.</p> <p>There are 331 SafeWork NSW inspectors.</p> <p>There are eight NSW Fair Trading Investigators and 18 SafeWork NSW Inspectors who respond to request relating to electrical matters across NSW.</p> |
| <p>The Hon. DANIEL MOOKHEY: I have a follow-up.</p> <p>The Hon. COURTNEY HOUSSOS: Sure.</p> <p>The Hon. DANIEL MOOKHEY: Can I ask: Minister, how many other incidents have been reported on government projects that are currently subject to investigation?</p> <p>Mr KEVIN ANDERSON: I will have to take that on notice, Mr Mookhey. That is a very specific question, but happy to get those details for you.</p> <p>The Hon. DANIEL MOOKHEY: What about the Sydney Metro tunnel projects in terms of their electrical work? Is Fair Trading currently investigating anything to do with those projects?</p> <p>Mr KEVIN ANDERSON: I am unaware of that, but I am happy to ask Ms Webb.</p> <p>Ms WEBB: I think we would have to take that specific—</p> |
| <p>ANSWER</p> <p>NSW Fair Trading has no current investigations into the electrical work on the Sydney Metro tunnel project and has no records of other incidents relating to electrical work reported on other government projects.</p> |
| <p>The Hon. DANIEL MOOKHEY: What about dust incidents on these road projects, including the Rozelle Interchange and the Sydney Metro project?</p> <p>Ms WEBB: We will have Ms McCool here this afternoon who is the expert on those details, but I might be able to find something in the notes and let you know.</p> <p>The Hon. DANIEL MOOKHEY: Yes, I am looking forward to that. But, Minister, there have been repeated incidents akin to this that have taken place on the Rozelle Interchange—certainly in respect to dust. What have you personally done to ensure that the Government is inspecting compliance with standards on its own projects?</p> <p>Mr KEVIN ANDERSON: What we are doing particularly in relation to dust mitigation, Mr Mookhey, is that we have implemented significant reform in relation to silica dust and other dusts around being notifiable now. We have got silica—</p> <p>The Hon. DANIEL MOOKHEY: We will get into that, Minister. Don't get me wrong. But I am asking specifically about the exposure incidents on the Rozelle Interchange and the exposure incidents on the Sydney Metro. What steps have you personally taken to ensure that they are being investigated? Because the perception is that the Government goes soft on its own projects.</p> <p>Mr KEVIN ANDERSON: Well, I reject that the Government goes soft on some projects, but particularly with those incidents, Mr Mookhey, I will take them on notice.</p> |
| <p>ANSWER</p> <p>The Rozelle interchange project (Westconnex 3B) is currently under the jurisdiction of Comcare (the Commonwealth work health and safety (WHS) regulator). While joint visits by Comcare and SafeWork NSW have occurred in preparation for eventual handover and for any NSW based contractors that may be already on site, the site still remains within the jurisdiction of Comcare (lead</p> |

agency) in terms of the duties of the Persons Conducting a Business or Undertaking (PCBU) John Holland Group under the WHS legislation.

On one of these visits, one Comcare Inspector and two SafeWork NSW inspectors had personal monitoring undertaken, with all three were confirmed as below the Australian Workplace Exposure Standard for respirable crystalline silica (silica) of 0.05mg/m³.

With regard to visits and requests for service to other NSW Government (Infrastructure) projects for the 2020 calendar year:

| | Pro-active visits (Visit, Same Visit, Visit Assist, Visit- No Interaction and Verification Field) | Requests for Service |
|--|--|-------------------------|
| Sydney Metro - Stations | 14 | 2 |
| Sydney Metro – Tunnels / Infrastructure | 28 | 1 |
| NorthConnex | 12 | 5 |
| Westconnex | 50 | 41 |
| Sydney Light Rail | 0 | 0 |
| Parramatta Light Rail | 35 | 4 |
| Western Sydney Airport | 7 | 3 |
| Moorebank Intermodal | 13 | 0 |
| Inland Rail* | 1 | 0 |
| Snowy 2.0 | 4 | 0 |
| TOTAL | 164 | 56 |

The Hon. COURTNEY HOUSSOS: Ms Webb, I wanted to come back to the question of what NSW Fair Trading did after *The Sunday Telegraph* story. In fact, now just reviewing it, a spokesperson was quoted in the article and said that the department had been notified and was conducting initial inquiries. Perhaps you can come back to us this afternoon and tell us what those initial inquiries were and if there was any further action after that.

Ms WEBB: Yes, certainly. We have asked for a whole time line, so we will come back to you with that.

ANSWER

This question was answered during the afternoon session of the hearing. Please refer to pages 59-60 of the transcript.

Mr DAVID SHOEBRIDGE: Public in April. Minister, you would have been aware of a series of disasters involving excavation for building projects in the last—just in the last three or four months there have been scandal after scandal, haven't there?

Mr KEVIN ANDERSON: Are you referring to a particular scandal, Mr Shoebridge, rather than a sweeping generalisation?

Mr DAVID SHOEBRIDGE: I could point you to two that were in Bondi—one which was, I think, on Lamrock Avenue and another one within a couple of hundred metres of that, both by the same building company, at the end of last year. Do you recall either of those?

Mr KEVIN ANDERSON: Not to my knowledge, no. I can get specifics, if you wish, and take them on notice.

Mr DAVID SHOEBRIDGE: So neither of those incidents where, within a matter of weeks, the same building company did full excavations next to properties, which the neighbours then started falling—

Mr KEVIN ANDERSON: Are you talking about the wall that fell down?

Mr DAVID SHOEBRIDGE: In one case, the whole wall fell down into that.

Mr KEVIN ANDERSON: Yes, I am aware of that one, yes.

Mr DAVID SHOEBRIDGE: So that was briefed to you?

Mr KEVIN ANDERSON: I was notified of that, but I will ask the Building Commissioner to provide further detail on that, though.

Mr DAVID SHOEBRIDGE: I really do want to go to the Building Commissioner's take on this, but I do want to test what, if any, action you have taken as Minister.

Mr KEVIN ANDERSON: Sure.

Mr DAVID SHOEBRIDGE: Did you get a briefing on it, or did you just read it in the papers, or did you have just a chat with Mr Chandler?

Mr KEVIN ANDERSON: No, I was aware of it. I think we—Mr Chandler and I talk about a lot of the different subjects, but in particular with that one, he would have the detail on that.

Mr DAVID SHOEBRIDGE: Were you aware that the same building company had another crisis involving excavation causing damage to the neighbours within a matter of weeks of that? Were you aware of that?

Mr KEVIN ANDERSON: No, I did not know it was the same building company.

Mr DAVID SHOEBRIDGE: Were you aware that they are both Class 1 buildings?

Mr KEVIN ANDERSON: No.

Mr DAVID SHOEBRIDGE: You weren't?

Mr KEVIN ANDERSON: Again, with those specifics, I am happy to have that with Mr Chandler.

Mr DAVID SHOEBRIDGE: You know that most people in Australia live in Class 1 buildings—do you know that?

Mr KEVIN ANDERSON: Is it most people? I know a significant lot live in Class 2 residential.

Mr DAVID SHOEBRIDGE: Overwhelmingly, people in Australia—

Mr KEVIN ANDERSON: Okay.

Mr DAVID SHOEBRIDGE: We will check with Mr Chandler on this, but you are not aware of that—that overwhelmingly people in Australia live in Class 1 buildings rather than Class 2 buildings?

Mr KEVIN ANDERSON: I would like to get the numbers to clarify that, Mr Shoebridge.

ANSWER

No question was taken on notice.

Mr DAVID SHOEBRIDGE: Minister, now you have got some data to go with, your reforms on Class 2 buildings are going to get to perhaps 20 per cent of the building industry, leaving 80 per cent of the building industry unregulated in terms of engineers. The kind of rogue operators that the commissioner spoke about earlier are free to roam across 80 per cent of the building industry. Do you think that is adequate?

Mr KEVIN ANDERSON: Well, Mr Shoebridge, there already are strong regulations in relation to—

Mr DAVID SHOEBRIDGE: You are kidding me?

Mr KEVIN ANDERSON: —different classes of buildings—

Mr DAVID SHOEBRIDGE: You are kidding me?

Mr KEVIN ANDERSON: —in New South Wales. So if there is a concern, then it will be dealt with through either SafeWork or Fair Trading in those regulations. What we are focusing on at this point in time—and we will continue to look at the regulation of the building and construction industry across all classes in any case, any day.

Mr DAVID SHOEBRIDGE: Minister, you said that those concerns would be dealt with. You heard Mr Chandler say that there is no regulation of these rogue engineers. You can point to no regulation of these rogue engineers. It is just not true to say that the concerns will be dealt with. They are out

there providing their services at no doubt substantial cost to other home owners as we speak and you are doing nothing about it. It is just not true, is it, your answer?

Mr KEVIN ANDERSON: Mr Shoebridge, there are regulations in place and we would ask the engineers to work with the professional standards association to set up a professional standards scheme, and we are working with them.

Mr DAVID SHOEBRIDGE: On notice, can you provide me with what these mystical regulations are that will bring to heel these rogue engineers? Can you provide that on notice?

Mr KEVIN ANDERSON: On Class 1s?

Mr DAVID SHOEBRIDGE: Everything but Class 2. Provide to me this mystical regulation.

Mr KEVIN ANDERSON: Certainly.

ANSWER

Engineers working in the building and construction industry are subject to regulation under various SafeWork NSW and NSW Fair Trading legislation, including:

- engineers carrying out certification work need to be registered under the *Building and Development Certifiers Act 2018*, which commenced 1 July 2020, promoting greater independence and accountability by certifiers and including strengthened compliance and enforcement provisions for the regulator.
- engineers are subject to the *Building Products (Safety Act) 2017* and any building product plans that might be issued under it to prevent the use of a product where it could cause serious injury or death.
- engineers must adhere to the *Work Health and Safety Act 2011* and will be subject to compliance and enforcement provisions where standards are not met.
- the duty of care consumer protections that were introduced under the *Design and Building Practitioners Act 2020* apply to all building types. This means that all engineers that do construction work on buildings resulting in defects that cause economic loss to a consumer will now be held accountable.

The Hon. COURTNEY HOUSSOS: Okay, so there is no application form despite it saying that there will be one in March. Minister, have you attended a meeting of the Cladding Product Safety Panel?

Mr KEVIN ANDERSON: Yes, I have.

The Hon. COURTNEY HOUSSOS: How many meetings have you attended?

Mr KEVIN ANDERSON: I have attended—I think it is about one or two, Mr Tansey? We all sit in on those meetings so, yes, from time to time.

The Hon. COURTNEY HOUSSOS: You are a member of the panel?

Mr KEVIN ANDERSON: No, I am not a member of the Cladding Product Safety Panel.

The Hon. COURTNEY HOUSSOS: Can you provide me, perhaps on notice, with the dates of when you attended those?

Mr KEVIN ANDERSON: Sure.

ANSWER

Minister Anderson attended a meeting of the Cladding Product Safety Panel on 19 November 2020 and has also met with Panel members out-of-session to discuss their work and request advice. Minister Anderson's staff have also attended Panel meetings and the Panel briefing to industry representatives on 9 February 2021.

The CHAIR: Minister, last year you and your office undertook a statutory review into the Greyhound Racing Act. Did you receive significant numbers of submissions and public feedback during that review?

Mr KEVIN ANDERSON: Yes, Ms Houssos, we did.

The CHAIR: Ms Boyd.

Mr KEVIN ANDERSON: Ms Boyd. My apologies.

The CHAIR: That is okay. It has been a long morning already. Part (d) of the terms of that statutory review sought to examine and report on the appropriateness of the terms of the operating licence granted to Greyhound Racing NSW. How did you expect to adequately review and receive submissions on the terms of that operating licence when it had not been made public?

Mr KEVIN ANDERSON: This afternoon, Ms Boyd, we will have the department of racing here so we will be able to drill into the exact numbers. What we received from participants, stakeholders and quite a significant number of people—many offering suggestions in relation to how Greyhound Racing NSW should operate—all of those suggestions and recommendations were taken on board.

The CHAIR: The terms of the review ask people to give you their impression or for you to conduct a review that takes stakeholder and community feedback on "the appropriateness of the terms of an operating licence granted to Greyhound Racing NSW". How were people supposed to comment on an operating licence that you would not release the terms of?

Mr KEVIN ANDERSON: In terms of the operating licence, there is a lot of information relating to the way Greyhound Racing NSW operates, its connection with the Greyhound Welfare and Integrity Commission [GWIC] and also its connection with the Greyhound Breeders Owners and Trainers Association. There is a lot of public information out there, and people are free to access that public information into the way that they operate.

The CHAIR: Are you saying that you were unable to comply with that section of the statutory review?

Mr KEVIN ANDERSON: What do you mean by that, Ms Boyd?

The CHAIR: I feel this is a little absurd because the Act itself mandates a review into the terms of the operating licence granted to Greyhound Racing NSW, and yet people could not actually contribute to that part of the review because they could not see the terms of the operating licence granted to Greyhound Racing NSW. Are you saying you could not comply with that aspect?

Mr KEVIN ANDERSON: They could comply with it. What they could do—it is public information in relation to the way that Greyhound Racing NSW operates and the whole participation input of the industry.

The CHAIR: But, with respect, it is not asking for people to comment on the appropriateness of what they can discern from public information. It is asking them to comment on the appropriateness of the terms of an operating licence. It is very clear. Why did you not make the operating licence publicly available?

Mr KEVIN ANDERSON: I believe that the operating licence and much of the operations of Greyhound Racing NSW are in the public domain so people can access that and they could make comment.

The CHAIR: That is not answering my question though. The operating licence that is the subject of the review was not made public. Why is that?

Mr KEVIN ANDERSON: I will get the finer details of that, Ms Boyd, but I am sure it is out there in the public arena and people are able to comment on it.

The CHAIR: It was not in the public arena. When I asked your office for this I was told I could not receive it because it had not been published and I know a number of stakeholders also asked your office for it. I then asked a question without notice in the Legislative Council about receiving this operating licence. That question was taken on notice pending your response. Your response was then delivered and it simply says that the terms of the operating licence are commercial in confidence.

Mr KEVIN ANDERSON: Commercial in confidence. That is correct.

The CHAIR: I then had to go through the process of passing a motion for a Standing Order 52 to require the terms of the operating licence to be handed over. When it was handed over it was not a privileged document. There was no claim of commercial in confidence over it. What made you think that it was commercial in confidence?

Mr KEVIN ANDERSON: In terms of the way that Greyhound Racing NSW operates, particularly around their funding with the Greyhound Welfare & Integrity Commission, and again with the Greyhound Breeders, Owners & Trainers Association, which is an association which is part of the industry, there is a significant amount, particularly around wagering, the point of consumption tax and the funding. In terms of the operating licence, there are parts of it that are commercial in confidence and most of Greyhound Racing NSW is on the public record.

The CHAIR: That is simply not borne out by the facts of the eventual release of that document. It was not released as a parliamentary privileged document; it was released as a public document through that Standing Order 52 process without any claim of commercial in confidence. Why did you claim that it had commercial in confidence over it? Were you advised by somebody?

Mr KEVIN ANDERSON: It is my understanding that it is commercial in confidence, parts of that operating licence, so that would have been the advice coming back to me, Ms Boyd.

The CHAIR: I have seen the entire licence and the entire licence was released as part of that Standing Order 52. As you know through the Standing Order 52 process, if you were to make a claim of commercial in confidence it would have to be signed off through some process, whereas your response to the question did not have to be. Did you do any checking before you responded to my question to say that it was commercial in confidence?

Mr KEVIN ANDERSON: Yes, we did, Ms Boyd. In relation to the operating licence, parts of it are commercial in confidence. We would have done due process in relation to responding to you.

The CHAIR: Can you explain to me why it was released without any redacting and not as commercial in confidence?

Mr KEVIN ANDERSON: I will take that on notice, Ms Boyd.

ANSWER

The Greyhound Racing NSW Operating Licence was released in accordance with the resolution agreed in the Legislative Council under Standing Order 52. I am advised legal advice received at the time of that release differed from earlier legal advice that had been received.

The CHAIR: You are saying that in order to set minimum standards with respect to the optimum racecourse design and construction, they had to first assess what they already had?

Mr KEVIN ANDERSON: It is difficult to assess what they had because their data was sketchy, in our view. That is why they partnered with the university to look at what they needed to do.

The CHAIR: Is the implication though that in order to work out what the minimum standards should be they had to assess what the current standard was, presumably so that the minimum standard was not significantly above what they already had?

Mr KEVIN ANDERSON: What they had to do first was to ascertain a minimum track standard. They worked with a university to ascertain that and then benchmark that against the tracks that they already had.

The CHAIR: Your office also advised that the publication of those minimum standards is a matter for Greyhound Racing NSW. Why will you not release that document publicly?

Mr KEVIN ANDERSON: I am happy to take that on notice, Ms Boyd.

ANSWER

The publication of minimum standards is a matter for Greyhound Racing NSW as the controlling body responsible for the commercial development of greyhound racing in this State. I am advised they are intending to release those standards shortly.

The CHAIR: Moving to something a bit different. The retirement village reforms that went through last year, which I think we all agreed were a really good step forward. You said through the Hon. Natasha Maclaren-Jones, who represented you in the upper House at the time, that you would consult on the regulations. Did you consult on the regulations before they were released?

Mr KEVIN ANDERSON: We extended the consultation process out far and wide because it is very important. This is an industry that affects many people's lives so we found it was important to do that. We consulted broadly on a lot of the reforms under the current retirement village reforms.

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| <p>The CHAIR: Did you consult specifically on the regulations that were put out in February?</p> <p>Mr KEVIN ANDERSON: I am happy to take that on notice to give you an exact answer in relation to the regulations but the consultation has been far and wide on many aspects of our retirement village reforms.</p> |
| <p>ANSWER</p> <p>Yes. The Government consulted on the draft regulation with the Retirement Villages Consultative Group (RVCG), which includes representatives from Property Council Australia, Seniors' Rights Service, Leading Age Services Australia, Aged and Community Services Australia and Retirement Village Residents Association. This consultation built on public and targeted consultation conducted on the retirement village reforms throughout 2019 and 2020.</p> |
| <p>The Hon. COURTNEY HOUSSOS: I want to come back to the issue of cladding. Minister, how many government buildings still have cladding remaining on them?</p> <p>Mr KEVIN ANDERSON: I will ask Mr Tansey to give you those numbers.</p> <p>Mr TANSEY: As per the information that we publish on the website, there are seven government buildings that are still in the category of potentially high risk.</p> <p>The Hon. COURTNEY HOUSSOS: Last year it was eight, so that means there has been one?</p> <p>Mr TANSEY: Logically yes.</p> <p>The Hon. COURTNEY HOUSSOS: Which one was that?</p> <p>Mr TANSEY: I cannot recall.</p> <p>The Hon. COURTNEY HOUSSOS: Will you take the question on notice?</p> <p>Mr TANSEY: Yes.</p> <p>The Hon. COURTNEY HOUSSOS: One has been removed. Has it been removed from the SafeWork building?</p> <p>Mr TANSEY: I said I will take on notice what that one building difference is.</p> |
| <p>ANSWER</p> <p>The Taskforce does not release details of the individual buildings that have been classified as potentially higher risk, due to concerns that releasing such details could create safety and security risks. The independent legal arbiter of the Parliament has supported the non-publication of building details on those grounds. On that basis the details of the one building that has been cleared from the list since last year will not be released.</p> |
| <p>The Hon. COURTNEY HOUSSOS: Minister, I want to come back to Project Remediate, which is supposed to run for three years, I understand. If buildings are still being assessed after three years will they be eligible for the program?</p> <p>Mr KEVIN ANDERSON: How Project Remediate works is that in high-rise residential—the Class 2s, the 214 residential buildings that have been identified through the Cladding Taskforce Panel, bearing in mind some time ago it was 4,000 and they have worked their way through now to that number of 214—each of those buildings—</p> <p>The Hon. COURTNEY HOUSSOS: Minister, can you tell me where the number 214 is coming from? I have got the NSW Cladding Taskforce website up in front of me and I cannot see "214".</p> <p>Mr KEVIN ANDERSON: In terms of those numbers, as of late yesterday afternoon, it was 214 high-rise residential Class 2s that were identified to be eligible for Project Remediate.</p> <p>The Hon. COURTNEY HOUSSOS: Does that mean they are still under assessment?</p> <p>Mr KEVIN ANDERSON: No. The Cladding Taskforce has identified, looked at and worked up the requirements of each individual building to be remediated. When we started a few years ago, out of those 4,000—I will just put some context around this, Ms Houssos—</p> <p>The Hon. COURTNEY HOUSSOS: Yes, I have asked a lot of questions about it. I am just wondering if you can point me to where exactly 214 comes from. Because according to your website—and I have got it here in front of me—it says that the number of buildings by height and</p> |

class, there are 79 that are nine storeys and above, there are 129 that are four to eight, and then there are six that are one to three.

Mr KEVIN ANDERSON: I will ask Mr Tansey to clarify those numbers.

The Hon. COURTNEY HOUSSOS: Are you counting all of the Class 2 buildings? Is that what you are counting?

Mr TANSEY: I believe, Ms Houssos, I am looking at the same page as you and just going to the website. So the numbers you quoted by rise and storeys are the same as the numbers I am looking at.

The Hon. COURTNEY HOUSSOS: That is the 214 buildings that you are saying are eligible under Class 2 under Project Remediate

Mr TANSEY: Yes, I am just double-checking the maths of where you are going.

Mr KEVIN ANDERSON: It does add up.

The Hon. COURTNEY HOUSSOS: The Class 2 buildings that are storeys one to three are eligible under Project Remediate?

Mr KEVIN ANDERSON: They are a different class of building. I will just check with the NSW Building Commissioner. I would not want to mislead you, Ms Houssos, in terms of those classes of buildings.

Mr CHANDLER: Minister, the classification of buildings is the work of the NSW Cladding Taskforce that Mr Tansey has been running. He has been working with local government on the rules—

ANSWER

This question was answered on the hearing day. Please refer to transcript text above commencing '*Are you counting...*'. Yes, the numbers are correct.

The Hon. JOHN GRAHAM: One of the things that you have indicated in that consultation—and I think you said this on a podcast with Samantha McLean—is that you would like industry and NSW Fair Trading to deliver the compulsory content together. I think that has not happened. What is the reason why that has not yet taken place?

Mr KEVIN ANDERSON: Again, and I certainly do not want to hide behind COVID, Mr Graham, but COVID was the be-all and end-all in 2020 and put a stop to a lot of programs and processes that we wanted to put in place. Certainly I believe that the delivery of training should not be under one auspice only. No-one should own that training.

The Hon. JOHN GRAHAM: That is still your intention? That is how you would like to see it delivered?

Mr KEVIN ANDERSON: To spread it out. Absolutely.

The Hon. JOHN GRAHAM: I understand that COVID slowed this down. What is the time line now for what you would like to see?

Mr KEVIN ANDERSON: I am happy to come back to you on that. That is why I have pulled forward this Property Services Expect Panel, to make sure that the program of training and everything else in terms of that continuing professional development [CPD] is balanced with the expectations of the industry. I am happy to come back to you with some time lines.

ANSWER

Compulsory continuing professional development (CPD) topics for real estate and property agents are determined annually by NSW Fair Trading in consultation with the real estate and property industry. This includes developing a course outline, desired learning outcomes and assessment requirements for each compulsory topic.

Compulsory CPD learning topics can be delivered by an industry association, Government agency or other entity that has been approved by the Commissioner for Fair Trading for these purposes. All providers of compulsory CPD must comply with conditions which ensure suitable training is delivered to the sector.

Approved providers are listed on the Fair Trading website.

The Hon. JOHN GRAHAM: Minister, what sort of licence would Daryl Maguire have required when he did something like this? In one of his text messages to the Premier he stated:

One of my contacts sold a motel for \$5.8 million. I had put her in contact so I should make 5k.

To which the Premier, as is well known by now, replied:

Congrats!!! Great news!! Woo hoo

What sort of licence would Daryl Maguire have required in that situation where he is getting a commission? Would he have required a real estate licence?

Mr KEVIN ANDERSON: I am not completely aware of what licences he would require. I am happy to take that on notice.

The Hon. JOHN GRAHAM: What sort of training would Daryl Maguire have required? Would he have needed this 3½-minute training, or would he have not even required that in this situation where he is getting commission?

Mr KEVIN ANDERSON: I cannot answer that, Mr Graham. I would have to look at the specifics of whether it is the gentleman you mentioned or somebody else. We would have to take those specifics on board and deal with them individually.

The Hon. JOHN GRAHAM: I do not know if you can get any assistance from your officials on this point?

Ms WEBB: I cannot, off the top of my head, give you an answer on whether he would have required a licence for just one individual transaction like that, when he was not holding himself out as a real estate agent more generally. But we will look into that, as the Minister said, and get back to you. Certainly once someone does require a real estate agent's licence then they now have to do the increased levels of CPD training.

The Hon. JOHN GRAHAM: What if it was not an individual transaction? What if it was a web of deals across New South Wales such as the one where Daryl Maguire sought potential dividends from real estate transactions in the Canterbury area, where he was taking potentially significant dividends, including from his relationship with the Country Garden developer? Is that more likely to tip him into the category where he would require a real estate licence?

Ms WEBB: I think we would have to take that on notice and get some legal advice about interpreting the real estate agents Act, but we can do that.

The Hon. JOHN GRAHAM: Okay. I welcome that information on notice, Minister.

Mr KEVIN ANDERSON: Thank you, Mr Graham. I am sure you will.

ANSWER

NSW Fair Trading does not know the full extent of Mr Maguire's involvement in this sale and there is a lack of sufficient information in the transcript to determine if a real estate licence would have been required.

Fair Trading has not received any complaints or enquiries about this matter.

The Hon. DANIEL MOOKHEY: Can you update us on where we are up to in terms of rolling out the register?

Mr KEVIN ANDERSON: Yes. Thank you, Mr Mookhey. Where we are up to in relation to silica dust and making it a notifiable disease—we work very closely with yourself as you know and we thank you for that. What we have done is make sure that the notifiable diseases now include three majors: mesothelioma, asbestos and silicosis. We are working with Health at this particular point in time to make sure that that happens. I understand that is already occurring, where a patient will present to a doctor, they will be diagnosed with silicosis and then the doctor will notify SafeWork. The reason why that occurs is so that SafeWork can then circle back to the business and check that they are operating safely.

The Hon. DANIEL MOOKHEY: Indeed. Through Health estimates we got from Health which diseases they made notifiable and on which dates. We appreciate that information as well. But the

actual register itself—can you provide us an update as to where we are up to in establishing the register, separate from the notification process? If you do not mind.

Mr KEVIN ANDERSON: I will just get an update on where that register is at and the timing because we did agree to report back in relation to notifications on that register. I will just ask Ms Webb if there is any advancement on that.

The Hon. DANIEL MOOKHEY: You did.

Ms WEBB: I think I might wait for Ms McCool this afternoon, if that is okay, Mr Mookhey, just because she is the one actually setting all this detail in place and she will be here to answer that.

ANSWER

Silicosis became a notifiable condition in NSW by all medical practitioners to NSW Health on 1 July 2020. The number of silicosis notifications received from this date is published on a quarterly basis on the NSW Government website (with a link also available on the SafeWork NSW website) that can be found at <https://www.nsw.gov.au/customer-service/publications-and-reports/silica-dashboard>.

As at 31 December 2020, there were 27 cases notified, 18 from icare Dust Diseases Care and nine from other medical practitioners (outside of the NSW Government icare screening program).

Asbestosis and mesothelioma became notifiable conditions by all medical practitioners to NSW Health on 1 January 2021. The first quarterly transfer from NSW Health to SafeWork NSW is due early April 2021 (January to March 2021 data). As mesothelioma is already notifiable to the NSW Cancer Institute, NSW Health will collect that information separately, with the asbestosis notifications following the same process as silicosis (direct notification to NSW Health). This information will also be published within the above link.

The Hon. DANIEL MOOKHEY: Sure. I am happy to pick it up with Ms McCool. The Act that we agreed to required it to be established on the website at least by September. I presume we are still on track for that, Minister.

Mr KEVIN ANDERSON: I will take that on notice, Mr Mookhey, given, again, that we are coming out of a very difficult period. I am happy to take that on notice. But I would hope that we would be, yes.

The Hon. DANIEL MOOKHEY: Have you received any indication that we are not on track?

Mr KEVIN ANDERSON: No.

ANSWER

Please refer to previous answer.

The Hon. DANIEL MOOKHEY: That is helpful. Incidentally, the amendment also requires reports to be provided to you. Have you received any? To be fair, we are still in the establishment phase. I want to be clear about that. I am just wondering whether you have received any so far.

Mr KEVIN ANDERSON: No. I will get some advice on that shortly. I do have an update in relation to where we have been in terms of making sure workplaces are held to account and those improvement notices.

The Hon. DANIEL MOOKHEY: We will get to that, Minister. To be fair, I will also have many questions for Ms McCool about that this afternoon, about the operational details as well. I am not going to say no to the information, but I appreciate that we will have more. I presume you can take it on notice if you cannot get us the information.

Mr KEVIN ANDERSON: Yes. I, like you, Mr Mookhey, am keen to see that register set up. It has not been brought to my attention that there are any delays or roadblocks, so if that is the case we will certainly keep you updated.

The Hon. DANIEL MOOKHEY: Thank you. We also organised that SafeWork NSW would perform a case finding study. Can we have an update as to where we are up to on the case finding study, Minister?

Mr KEVIN ANDERSON: I can provide that to you. I will take that on notice as well, Mr Mookhey. Again, this afternoon our official, Ms McCool, will be here. She will be able to provide those specifics for you.

Ms WEBB: She is doing the case finding study. I can tell you she is doing it, but I cannot give you any more detail than that. She will be able to this afternoon.

ANSWER

Relevant to the annual report that must be provided to the Minister, as per section 271D of the *Work Health and Safety Act 2011*, SafeWork NSW will provide this as soon as practicable after the end of each financial year, but no later than 30 September. Included will be the number of silicosis, asbestosis and mesothelioma cases notified to NSW Health and provided to SafeWork NSW during the financial year, the number of deaths related to these occupational dust diseases, the actions

SafeWork NSW has undertaken to implement the purposes of the register, and any other information about a disease or condition recorded in the register that SafeWork NSW considers appropriate. However, SafeWork NSW must not include personal information or health information in the report and the Minister must, as soon as practicable after receiving the report, cause it to be tabled in the Legislative Assembly. SafeWork NSW will ensure that the inaugural report 2020/2021 is provided to the Minister no later than 30 September 2021 and will publish the approved report on the SafeWork NSW website as required under section 271E of the *Work Health and Safety Act 2011*.

In terms of the case finding report to investigate silica exposure in the manufactured stone industry and to gather information to improve the identification and assessment of workers at risk of exposure - as per section 276A of the *Work Health and Safety Act 2011*, SafeWork NSW will ensure that it is completed on or before 1 July 2021 with the work currently on track. This report will also be published on the SafeWork NSW website.

The Hon. DANIEL MOOKHEY: Minister, the desire for that case finding study came very strongly from the Manufactured Stone Industry Taskforce, if you recall. Can you confirm that they are being involved in that case finding study?

Mr KEVIN ANDERSON: Let me just get some clarification on that and who has been involved in that case finding study.

Ms WEBB: No. Ms McCool will have to update you this afternoon. Sorry about that.

The Hon. DANIEL MOOKHEY: Okay. We will pick it up again this afternoon in terms of that. Minister, you, in principle, agree that the Manufactured Stone Industry Taskforce should be involved in that case finding study?

Mr KEVIN ANDERSON: I will double-check on that to make sure that is correct.

ANSWER

The study will seek to triangulate the data and information available from SafeWork NSW (Inspector visit program), icare Dust Diseases Care (lung screenings) and NSW Health (hospital admissions and deaths) to produce a report for the manufactured stone industry. Other members of the NSW Manufactured Stone Industry Taskforce do not hold this information.

These three NSW Government agencies that hold the information about the NSW silicosis cases are involved in the writing of the report.

The CHAIR: I understand that a number of well-respected peak organisations who have been seeking your endorsement for these changes have requested a meeting with you but been declined. Do you intend to meet with any of those representative organisations?

Mr KEVIN ANDERSON: Ms Boyd, I do not know the reason why that meeting was declined. Perhaps I might have been in my electorate of Tamworth, I do not know. But I certainly am happy to meet with advocates who would like to discuss issues with me. I do know that there is a significant number of new builds as well as retro builds, taking into consideration the very important process of making accessible housing available to those that need it.

The CHAIR: Have you or your office had meetings with interest groups that are not in support of the changes—for instance, representatives from the construction industry?

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| <p>Mr KEVIN ANDERSON: Not that I am aware of, Ms Boyd, but I am happy to take that on notice and come back to you.</p> |
| <p>ANSWER</p> <p>Minister's diaries are disclosed quarterly, in line with Department of Premier and Cabinet Guidelines.</p> |
| <p>The Hon. DANIEL MOOKHEY: Why is the Government not establishing a policy around mandatory registration of silicosis worksites?</p> |
| <p>Mr KEVIN ANDERSON: I am happy to take that on notice, Mr Mookhey.</p> |
| <p>ANSWER</p> <p>The NSW Legislative Council's 2019 Review of the Dust Diseases scheme recommended that the NSW Government should introduce a legislative amendment to ensure all manufactured stone fabrication sites and employers are registered with SafeWork NSW. In its response, tabled on 24 September 2020, the NSW Government did not support the recommendation, as SafeWork NSW is aware of the location of all manufactured stone sites in NSW and has visited them. SafeWork NSW is able to obtain information about the location of manufactured stone fabrication sites by issuing notices to the importers of manufactured stone.</p> <p>NSW took the same position on licensing/registration in the whole-of-Government response to the second round of consultation conducted by the National Dust Disease Taskforce in November 2020. There have been no developments since then that would alter that position.</p> <p>The benefits of licensing/registration are not expected to outweigh the significant costs of establishing the scheme. As licensing is a last resort regulatory option, a Regulatory Impact Statement and/or Independent Pricing and Regulatory Tribunal (IPART) review (licensing framework assessment tool to determine whether licensing is appropriate) would also be required to establish whether licensing is the most efficient way of addressing identified problems and risks compared with other options, as well as NSW Parliament approval if not pursued in the model work health and safety (WHS) law / Safe Work Australia processes.</p> |
| <p>Mr KEVIN ANDERSON: Well, the exposure standard set for us at this point in time is 0.05 milligram per cubic metre, so whether that is tunnels or whether that is in worksites, I need to double-check.</p> |
| <p>The Hon. DANIEL MOOKHEY: Good. I am glad you accept that.</p> |
| <p>Mr KEVIN ANDERSON: I do not want to mislead you, Mr Mookhey, but I will double-check that that is the exposure standard that is part of that tunnel process.</p> |
| <p>ANSWER</p> <p>The Australian Workplace Exposure Standard for silica in tunnelling work is 0.05mg/m³, as per all worksites where silica is present and all products that contain silica. The Australian Workplace Exposure Standard for silica applies to all worksites where silica is present and all products that contain silica – manufactured and natural stone fabrication, construction (residential, commercial, civil), demolition, tunnelling, foundry work, bricks, concrete etc.</p> |
| <p>The Hon. JOHN GRAHAM: Traditionally, I think about 30 per cent of people would be defined as being in rental stress—that is, their outgoings are such that it is a significant proportion of their income. Obviously rents have moved around in this period. Have you got any figures about what proportion of tenants could be in that "rental stress" definition?</p> |
| <p>Mr KEVIN ANDERSON: There are a couple of categories there. There is social housing as well as the private rental market. We deal with the private rental market, particularly under the Residential Tenancies Act. In terms of those numbers, we are focused on those who are dealing directly with landlords and real estate agents. I would be happy to take that on notice if there is a split between social housing and—</p> |
| <p>ANSWER</p> |

NSW Fair Trading does not hold any data on the number of tenants in rental stress in NSW. While rental bond data provides information about the amount of rent payable,

The Hon. JOHN GRAHAM: What does the data tell you about rental arrears? How big are these rental arrears after the 12 months that people have lived through?

Mr KEVIN ANDERSON: The numbers in relation to rental arrears, from memory, there were 150 rental agreements that were worked up over the past 12 months. There were 925,000 tenancies in New South Wales, 150 rental agreements and I can ask Ms Webb if she has the details in relation to accrued debt.

Ms WEBB: No, we do not actually have that detail. We know about the agreements that were reached, but what we probably do not know is people who have managed to catch up in the meantime and maybe resolve a little bit of their arrears because they have come back into employment. We do have some statistics. Of the 154 that the Minister mentioned, 107 had waived rent completely and 36 had deferred rent. We do not know what has happened in the meantime.

The Hon. JOHN GRAHAM: Again, Ms Webb, I appreciate those answers and we might come back. Minister, the problem with those figures are that is a tiny slice of the market, really. I am asking, what do we know? You are setting the policy here for the whole market. What do we know about the really significant rental arrears that people might be in after the 12 months that have happened? That is coming to a head in the next month. What do we know? What does the data tell us about how much they might be in the hog for?

Mr KEVIN ANDERSON: It is difficult to put a number on the amount that is dollar-figured rental arrears given the fact that it changes and people did enter into agreements where they would reduce their rent, pay it over a certain period of time—

The Hon. JOHN GRAHAM: Do we have any idea apart from this very small section?

Mr KEVIN ANDERSON: I will take it on notice, Mr Graham, and maybe this afternoon they might have that number for you.

ANSWER

Refer to the answer to the previous question.

The Hon. JOHN GRAHAM: Right, okay, so call it a private settlement. How many renters are there in New South Wales?

Ms WEBB: I think I would have to take that on notice or look it up somewhere.

The Hon. JOHN GRAHAM: Yes, but just roughly. I thought the Minister referred to it briefly. If you get the chance to tell us that in a little while, that will be helpful.

Ms WEBB: Sure.

ANSWER

The *Residential Tenancies Act 2010* does not require NSW Fair Trading to capture data on the number of renters in NSW. Where a landlord or landlord's agent accepts a bond from a tenant, the bond must be lodged with Fair Trading.

Ms WEBB: We have got actual formal agreements. We had a lot of inquiries and a lot of people talking to the Fair Trading officers. So while they did not reach a formal agreement, they told their story to the Fair Trading officer about where they were. We suggested they try and negotiate with their landlord, and often that was quite successful.

The Hon. JOHN GRAHAM: How many of those inquiries did you have? Do you have a sense of when they rose and fell?

Ms WEBB: We had 23,615 inquiries about tenancy agreements, we had 19,133 inquiries about termination, and 12,928 about rent and charges—not all of them related to COVID, but that is the figure.

The Hon. JOHN GRAHAM: I am comfortable if you do this on notice but I think it will be helpful when the Government package comes through, could you give us a sense of how it rises and falls, perhaps on notice, in whatever way it makes sense? I do not want to create work in doing that.

Ms WEBB: Yes, sure. The trend of what we are seeing.

The Hon. JOHN GRAHAM: Whatever way you would present it internally, if you can give us that sense on notice so it gives the Parliament, as it is discussing that, some sense of the pressures on people.

Ms WEBB: Sure.

ANSWER

A three-year comparison of the data mentioned above is in the table below.

| Enquiries | 2020 | 2019 | 2018 |
|--------------------|-------------|-------------|-------------|
| Tenancy Agreements | 23,615 | 21,894 | 27,413 |
| Terminations | 19,133 | 7,779 | 5,670 |
| Rent & Charges | 12,928 | 8,395 | 10,180 |

The Hon. JOHN GRAHAM: What is the average rent in Sydney?

Ms WEBB: I think we have it.

The Hon. JOHN GRAHAM: Again, feel free to take it on notice.

Ms WEBB: I might. It has certainly changed in Sydney and in the regions. We did have some data on that but I do not have it quite here.

The Hon. JOHN GRAHAM: No worries. Perhaps on notice, that will be useful. Just the update, particularly as it has moved a little bit, but say it is around \$500 a week.

ANSWER

The Department of Communities and Justice produces a quarterly Rent and Sales Report which includes data on median rent prices in NSW. The report is available on their website.

The latest report for the December 2020 quarter shows the weekly median rent for the Local Government Area (LGA) of Sydney at \$540.

(Inspector numbers)

The Hon. DANIEL MOOKHEY: Okay. And do you have the same for Liquor & Gaming by any chance? (inspectors)

Ms WEBB: I would have to take it on notice. It is more along the lines of about 30.

The Hon. DANIEL MOOKHEY: Okay, great. If you do not mind taking the exact number on notice, that would be helpful.

Ms WEBB: Yes, sure.

ANSWER

This question should be directed to Minister Dominello as the Minister responsible for inspectors appointed under Section 20 of the *Gaming & Liquor Administration Act 2007*.

The Hon. DANIEL MOOKHEY: Okay, that is fine. Have you put in a submission to the State Insurance and Care Governance Act review?

Ms WEBB: The reviewer met with a representative of SafeWork but we have not put in a submission.

The Hon. DANIEL MOOKHEY: What did you tell them?

Ms WEBB: It was not me who attended that meeting. It was Mr Gavrielatos who attended on behalf—

The Hon. DANIEL MOOKHEY: Is he here?

Ms WEBB: He is not here.

The Hon. DANIEL MOOKHEY: Okay, sorry. I get my identities confused.

Ms WEBB: I could take on notice about whether we could give you a general gist of what was discussed.

The Hon. DANIEL MOOKHEY: Yes, if you do not mind taking on notice your submission, or whatever you can tell us about the submissions that you made to the McDougall review.

Ms WEBB: I think they were more responses to questions rather than submissions.

The Hon. DANIEL MOOKHEY: That would be helpful. If they were responses to questions, would you mind providing us the responses on notice?

Ms WEBB: In a meeting, sorry. I think we had a meeting in which the reviewer asked Mr Gavrielatos some questions, rather than us making—

The Hon. DANIEL MOOKHEY: Whatever information you have available that you can share with us, Ms Webb—

Ms WEBB: We will, absolutely.

ANSWER

On 4 February 2021, Mr Andrew Gavrielatos, Executive Director, Community Engagement, Better Regulation Division (BRD), Department of Customer Service, met with the independent reviewer of icare and the *State Insurance and Care Governance Act 2015* (SICG Act). Mr Gavrielatos provided advice regarding the *Work health and safety roadmap for NSW 2022*, the SafeWork NSW inspectorate, risk-based regulation and related approaches to compliance, and cooperation with icare and the State Insurance Regulatory Authority.

The Hon. MARK BANASIAK: The Minister referenced a property services expert panel. Would you be able to tell us who was on that panel?

Ms HOGAN: Mr Tansey, do you know who was on that panel?

Mr TANSEY: Just let me refer to my notes and see. I cannot quote names off the top of my head. I just need a second to refer to notes to see if the names are there. Can I perhaps come back to you when I have that?

The Hon. MARK BANASIAK: That is fine. While you are looking at it, can you let us know how the panel make-up is different to the Real Estate Reference Group?

ANSWER

Membership of the Property Services Expert Panel was announced on the 24th of March with information available on the Fair Trading website.

The CHAIR: We asked the Minister to instigate a review into the requirements and processes for contractor licence applications. While the Minister did respond to my queries about the constituent's particular case—I understand action was taken in relation to that particular case—we had no acknowledgement of the request for a review into the processes as a whole. Do you have any update on whether that review was undertaken?

Ms HOGAN: I do not, but Ms Webb might.

Ms WEBB: We will take it on notice.

Ms HOGAN: Yes, happy to do that.

Ms WEBB: I might also mention that now that automatic mutual recognition is coming in, some of this might become a bit moot because people will not have to go through that process.

The CHAIR: I hope so. That man found it incredibly distressing. If you could take that on notice and let us know, that would be great.

ANSWER

The case did not prompt a review into the requirements and processes for contractor licence applications as the applicant was afforded due process under established procedures and the required documents were later sourced from Victoria.

It is noted that all Australian governments, except the Australian Capital Territory, have agreed to implement a national automatic mutual recognition (AMR) scheme from 1 July 2021, subject to the passage of legislation. While the proposed AMR model will allow a person who is licensed for an occupation in the place where they live or primarily work (their 'home state'), to work in another jurisdiction without needing to apply or pay for a second licence, AMR does not apply to the specific scenario raised by The Chair.

The CHAIR: ... I will direct this question to you, Ms Hogan, but please redirect it as you see appropriate. It is in relation to greyhound racing. How many greyhound industry participants have failed to adhere to the rehoming policy, including by failing to apply for financial support through the Greyhound Racing NSW Race Injury Rebate Scheme?

Ms HOGAN: If I may direct the questions to Mr O'Brien?

Mr O'BRIEN: I think I might need to take that on notice.

The CHAIR: Thank you. Are you clear on the question?

Mr O'BRIEN: If you could repeat it, that would be helpful. Thank you.

The CHAIR: As you know, greyhounds that are seriously injured during a race are eligible for Greyhound Racing NSW's Race Injury Rebate Scheme. How many greyhound industry participants have failed to adhere to the rehoming policy, including by failing to apply for financial support through that Race Injury Rebate Scheme in order to afford veterinary care and surgery instead of euthanising? That is the point that we are getting at. Also, how many greyhounds have been euthanised because of a failure by a participant to adhere to a rehoming policy?

Mr O'BRIEN: Okay. Sure. Thank you.

ANSWER

I am advised by the Greyhound Welfare and Integrity Commission (**Commission**) that:

- failure to apply for financial support through the Greyhound Racing NSW Race Injury Rebate Scheme is not a breach of its Rehoming Policy
- from 1 July 2018 to 28 February 2021 the Commission received and investigated 160 alleged breaches of its Rehoming Policy.
- of the 160 alleged breaches, 92 resulted in no regulatory action, 54 resulted in verbal or written warnings or disciplinary action and 14 remain under investigation.

The CHAIR: Again, it is a greyhound racing question, Mr O'Brien. I understand that all New South Wales tracks are currently being measured against the new minimum standards with safety audits carried out to determine track compliance. Are you able to provide me with details of the current racetrack audits being conducted by Greyhound Racing NSW? In particular I am interested in the criteria applied to the audit, how the criteria was determined, the timeline, the progress, who is undertaking the audit and whether the responses will be made publicly available.

Mr O'BRIEN: There is quite a lot of detailed information in there that would be held by Greyhound Racing NSW. I am happy to take that on notice and we can request that information from them and provide an answer back to you.

ANSWER

I am advised by Greyhound Racing NSW (GRNSW) that:

- a GRNSW track inspector has undertaken minimum standards inspections at more than 20 venues to date, assessing the track and facility criteria against the approved minimum standards.
- the racetrack audits are expected to be completed by the end of the month at all venues.
- GRNSW has commissioned an Inspection App for this purpose, with reports prepared using the information from each assessed venue.

- once completed, GRNSW will prepare a matrix comparing the tracks against the standards, with this information used to determine where GRNSW directs track and welfare grant funds to assist greyhound race clubs in complying with the minimum standards.

Mr DAVID SHOEBRIDGE: Will the managing contractor, the assessor panel, the principal design consultant, the panel of designers, the superintendent, the certification and the final oversight all be in place by April?

Mr CHANDLER: I am quite happy to provide you with a time line for those commitments so that you can actually see. The intent is that we are well into the first tranches of projects as we go to the back end of this year so that we are in a position to start the physical work. We will start the triage work about August and we will start the first of the remediation projects either very late this year or early next year.

ANSWER

Due to the value of the contract the managing contractor will be selected through a two-stage expression of interest and tender process which is currently underway. This is expected to conclude by around 28 May 2021.

The Office of Project Remediate will initiate work to procure the principal design consultant prior to the commencement of the managing contractor. The managing contractor, once appointed, will facilitate the procurement of the other panels of suppliers.

(Northconnex – circuit breakers)

The Hon. COURTNEY HOUSSOS: When were they determined to be non-compliant?

Ms WEBB: I think from that very first inspection on 3 June we realised they were non-compliant because they did not have the correct marking on them.

The Hon. COURTNEY HOUSSOS: When was it determined that they needed to be replaced?

Ms WEBB: I do not have that. I will have to take that detail on notice. All I know is that on 15 June another inspection was done. There continued to be engagement throughout June and July and the work was completed by 16 August. I can get you the exact details.

ANSWER

NSW Fair Trading obtained informal legal advice on 12 June 2020 with further commentary from the Inspector that examined the articles on 15 June 2020.

Further investigations and enquiries were undertaken in relation to the status of the circuit breakers post 15 June 2020 and on or around 26 June 2020 it was determined they were unapproved and needed to be replaced.

The Hon. COURTNEY HOUSSOS: On either of those visits when you were inspecting the sub-standard circuit-breakers, did you inspect for licences, given that both inspectors were there at the same time?

Ms WEBB: I did not ask that question this morning but I can take it that on notice.

The Hon. COURTNEY HOUSSOS: Yes, that would be great. Ms Webb, I turn to your meeting with the Minister scheduled for Monday 15 June. I am happy if you want to take this question on notice. Can you tell us if you notified the Minister of the NorthConnex fire issue at that meeting?

Ms WEBB: I will look at my diary. Was that a regular Minister's secretary meeting?

Ms HOGAN: It was a regular meeting.

The Hon. COURTNEY HOUSSOS: Yes.

Ms WEBB: I will have to check my diary to make sure I attended because Ms Hogan always attends. I am not always there but I will check that out. I do not believe we told the Minister. I personally did not tell the Minister about this matter—I have confirmed that.

The Hon. COURTNEY HOUSSOS: You did not tell the Minister?

Ms WEBB: I have confirmed that.

The Hon. COURTNEY HOUSSOS: If you can just take on notice whether you told the Minister on Monday 15 June?

Ms WEBB: Yes.

ANSWER

No electricians were on site when SafeWork NSW and NSW Fair Trading conducted their visits as the work had been completed. As such, neither regulator was able to check electrical licences. Licensed electricians attended to turn off the power, but they were not the ones who installed the panels.

Ms Webb did not brief the Minister at the meeting on Monday, 15 June.

The Hon. DANIEL MOOKHEY: The section 155 to obtain information: On notice, can you just provide us the date that you issued it and the date you deemed it to be complied with, if that is possible?

Mr WILLIAMS: Yes, certainly.

ANSWER

SafeWork NSW Inspectors have issued 12 section 155 notices (to various businesses as part of inquiries). All notices have been responded to however investigations are continuing.

In addition to the above, the following outlines the section 155 notices that have been issued to Portier Pacific Pty Ltd (trading as UberEATS) as part of the investigations.

| Date of Notice | Notices |
|----------------|-------------------|
| 7/11/20 | 1 Notice issued |
| 26/11/20 | 4 Notices issued |
| 10/12/20 | 2 Notices issued |
| 19/1/21 | 10 Notices issued |
| 20/1/21 | 2 Notices issued |
| 26/2/21 | 1 Notice issued |

The investigations are continuing and therefore this amount is only reflective at this point in time.

The Hon. DANIEL MOOKHEY: You said that you have issued a number of improvement notices, is that right?

Mr WILLIAMS: That is right.

The Hon. DANIEL MOOKHEY: Is that in respect to that specific incident or more to do in general with that PCBU?

Mr WILLIAMS: They were issued to identify a number of issues that the inspectors had identified in relation to provision of personal protective equipment [PPE], the type of vehicles being used, the type of bicycles being used, and about onboarding and training programs. Three of those were issued to Uber Eats and three were issued to HungryPanda.

The Hon. DANIEL MOOKHEY: Is that the total number that you have issued to food delivery companies?

Mr WILLIAMS: That is my understanding, yes.

The Hon. DANIEL MOOKHEY: Three of them were issued to Uber Eats. Do you have the dates?

Mr WILLIAMS: I do not have that information with me, sorry.

The Hon. DANIEL MOOKHEY: Do you mind taking that on notice?

Mr WILLIAMS: Of course.

The Hon. DANIEL MOOKHEY: How long were they given to comply?

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| <p>Mr WILLIAMS: I will provide all the information in relation to those notices, including compliance details, on notice.</p> |
| <p>ANSWER</p> <p>Three Improvement Notices have been issued to UberEATS as part of this investigation. The notices were issued to Portier Pacific Pty Ltd trading as UberEATS on 16 December 2020.</p> <p>Three Improvement Notices were issued to HungryPanda Au Pty Ltd on 9 December 2020.</p> |
| <p>The Hon. DANIEL MOOKHEY: What verification did you do on compliance? How many inspections were undertaken in respect to each of the two companies, if that is possible?</p> <p>Mr WILLIAMS: Okay. Yes, I can provide that.</p> <p>The Hon. DANIEL MOOKHEY: Are you actually able to provide us with a copy of the improvement order, or is that something you cannot do?</p> <p>Mr WILLIAMS: I believe we could provide copies of those notices, yes.</p> <p>The Hon. DANIEL MOOKHEY: Is it possible that we could get all six?</p> <p>Mr WILLIAMS: We could provide—yes. I will just confirm that we can but I do not see any impediment to that.</p> |
| <p>ANSWER</p> <p>A compliance date is included on all Notices issued.</p> <p>A copy of each of the six Notices is attached.</p> |
| <p>The Hon. DANIEL MOOKHEY: Did you contemplate having to, or did you seek any advice as to whether any practices warranted the issue of a prohibition order?</p> <p>Mr WILLIAMS: I would have to talk to the inspectors involved to see what opinions they formed.</p> <p>The Hon. DANIEL MOOKHEY: Okay. That would be helpful if you could. On notice, any explanation for the decision to not issue a prohibition would be most useful. Whatever information you could provide would be helpful.</p> <p>Mr WILLIAMS: Okay.</p> |
| <p>ANSWER</p> <p>Prohibition notices were not issued as these matters were motor vehicle incidents. These matters have required a detailed investigation to determine the system of work issues at the time of the incident, noting the incidents did not occur at a static workplace, with investigations continuing.</p> |
| <p>The Hon. DANIEL MOOKHEY: Officers of SafeWork NSW have previously confirmed to the Parliament that Hungry Panda did not notify you directly, despite an obligation to do so. To be fair to Hungry Panda, they acknowledged that they did not either. What actions are you taking in response to Hungry Panda's failure to notify you?</p> <p>Mr WILLIAMS: I am happy to confirm what actions. My understanding is that we have communicated with them their need to notify incidents, regardless of the employment arrangements, and we have communicated that to all of the industry to make sure that there is no confusion into the future. We expect all parties to comply with that.</p> |
| <p>ANSWER</p> <p>SafeWork NSW has communicated with the platforms about their need to notify incidents, regardless of the employment arrangements. SafeWork NSW has also communicated this information to all industry partners to ensure there is a clear understanding of the requirement to notify. SafeWork NSW expects all parties to comply.</p> |
| <p>The Hon. DANIEL MOOKHEY: Right. Do they not have to make that decision within a time period?</p> |

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| <p>Mr WILLIAMS: I would have to check the time period we have got. We would make that decision collectively with other decisions we make around the investigation.</p> |
| <p>ANSWER</p> <p>At the time the incident occurred the Person Conducting a Business or Undertaking (PCBU) claimed that they were unaware that these matters were considered workplace incidents and consequently were unaware that notification to SafeWork NSW was required.</p> <p>SafeWork NSW held a Roundtable for food delivery rider safety in December 2020 and invited all platforms. During the forum SafeWork NSW presented on obligations under work health and safety legislation, including notification requirements.</p> |
| <p>(Fourth Gig economy fatality – employer)</p> <p>The Hon. DANIEL MOOKHEY: Can you identify which PCBU you are investigating in that respect?</p> <p>Mr WILLIAMS: Let me check. Sorry, I have not got the breakdown with me in terms of that, but I am happy to provide that.</p> <p>The Hon. DANIEL MOOKHEY: Again, if you are in a position to find it before the end of the hearing that would be great. I presume the fourth death was notified to you?</p> <p>Mr WILLIAMS: I believe so, yes. Again, I am happy to confirm that with the other information.</p> |
| <p>ANSWER</p> <p>Between September and November 2020, four incidents occurred involving the road fatality of four food delivery riders, while delivering food for the following companies:</p> <ul style="list-style-type: none"> • 24 September 2020 – UberEATS • 29 September 2020 – HungryPanda • 21 November 2020 – UberEATS • 23 November 2020 – UberEATS. <p>All three incidents involving UberEATS riders were notified to SafeWork NSW and are currently under investigation. SafeWork NSW has identified two possible Persons Conducting a Business or Undertaking (PCBU) in relation to these incidents, being Uber Australia and Portier Pacific.</p> |
| <p>The Hon. DANIEL MOOKHEY: The Minister was alluding to education initiatives that you are providing to people in this industry. Do you want to spell out what those initiatives are and what their cost is?</p> <p>Mr WILLIAMS: There is a range of things happening. First of all, there is some guidance material that we have worked with industry on around road safety and the "Road Safety and Your Work" guide. That is certainly a product that is being developed and provides practical advice on how businesses and employees can manage risks, particularly road safety risks, within their work environment. There is further work occurring, which we have spoken about this morning, in terms of guidance material that has been provided to the industry. That is really about reinforcing the legislative requirements for all parties, whether you are a platform food outlet or a delivery rider, and translating that into practical language so that it is applicable and transferable to the industry. So that draft is out there and that work is continuing. Industry continues to work with SafeWork and other parties through the task force. There are a multiple of prongs taking place.</p> <p>The Hon. DANIEL MOOKHEY: On notice can you provide us with samples, or the actual guidance material itself would be really useful. Can you also provide us on notice the membership of the task force? The date that they met, which was public at the time, and when the next meetings are scheduled for. Is that possible?</p> <p>Mr WILLIAMS: Yes, of course.</p> <p>The Hon. DANIEL MOOKHEY: Can we talk about other safety incidences arising from food delivery that did not lead to deaths. How many other reports of workplace injuries have you received from this segment of the industry?</p> |

Mr WILLIAMS: I am just checking if I have that figure. No, I do not have a breakdown of that, sorry. But I am happy to provide it.

The Hon. DANIEL MOOKHEY: Perhaps you might want to take these on notice, or if it is possible to get this information by this afternoon that would be really helpful. Can we find out how many incidents have been reported to you about riding in food delivery? Can you identify the number of reports by PCBU at the food delivery platform level? Can you identify whether they were inspected and, if so, how many inspections took place at PCBU level? And can we find out whether or not any of those other non-death incidents lead to any infringement notices, prohibition orders or what, if any, enforcement action or orders did SafeWork NSW take in those respects? Is that fine, Mr Williams? Is that possible?

Mr WILLIAMS: Yes. I am happy to obtain that information. It will probably be unlikely we would be able to provide all of that by this afternoon, but we will certainly get started on providing that as soon as we possibly can.

ANSWER

The Draft Guide to Managing WHS in the Food Delivery Industry is available at <https://www.safework.nsw.gov.au/compliance-and-prosecutions/joint-taskforce-food-delivery-rider-safety>. The period for public comment has expired. The Terms of Reference, including membership of the Joint Taskforce – Food Delivery Rider Safety is available at www.safework.nsw.gov.au. Meetings dates are as follows:

Meeting 1 – 15 December 2020

Meeting 2 – 19 January 2021

Meeting 3 – 9 February 2021

Meeting 4 – 3 March 2021

Meeting 5 – date to be confirmed

There are approximately 90 incidents (non-fatal) notified to SafeWork NSW that are currently being reviewed by the Taskforce with assistance from NSW Police to provide additional information. This information will form part of the Taskforce reporting that is due on 1 April 2021.

Most of the incidents were attended by NSW Police as they were traffic incidents and NSW Police is the lead agency. As part of the Taskforce activities SafeWork NSW inspectors have conducted field observations and interactions with riders between 13 February and 27 February 2021. This activity totalled 73 rider engagements and 214 rider observations. As a result of recent activity on 13 March 2021, SafeWork NSW have issued 28 Warnings to riders for a range of issues.

Information gathered through this work is currently being reviewed to form part of further compliance activities against platforms.

As part of the Taskforce Terms of Reference, all incidents will be reviewed, and any appropriate action taken. This work is currently underway by the Taskforce and issuing of future notices is imminent.

The Hon. JOHN GRAHAM: I might turn back to that Retirement Villages Regulation issue. I could see when the Minister was giving evidence and I was asking you some questions, Ms Webb, that you were keen to, I think, contribute something to the discussion. I just wanted to give you the opportunity to do that.

Ms WEBB: I am not sure which specific question I lost my poker face on.

The Hon. JOHN GRAHAM: It was really the bit where I was asking who was putting this view that the Central Coast and Lake Macquarie—

Ms WEBB: Yes. I think we were just trying to make the point that we had 760 submissions in relation to the overall thing. I was just hoping to give you the sense that nearly all of the people who made a submission commented on this particular issue, and so we had hundreds and hundreds of people putting a view.

The Hon. JOHN GRAHAM: There were a lot of views.

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| <p>Ms WEBB: Yes.</p> <p>The Hon. JOHN GRAHAM: And competing views.</p> <p>Ms WEBB: Exactly.</p> <p>The Hon. JOHN GRAHAM: Were they largely in the one direction?</p> <p>Ms WEBB: I cannot answer that. Mr Tansey, I do not know if you know—</p> <p>Mr TANSEY: No.</p> <p>Ms WEBB: No, we do not have that detail.</p> <p>The Hon. JOHN GRAHAM: There were a lot of views through the survey. Did anyone meet with the Minister to put a view about this question about the Central Coast and Lake Macquarie?</p> <p>Ms WEBB: We will have to check back with the Minister's office to find out who he met with.</p> <p>The Hon. JOHN GRAHAM: Could you take that on notice? I am interested in specific written representations to the Minister on this question advocating for the longer time line and any meetings that the Minister had advocating for the longer time line just on that question.</p> |
| <p>ANSWER</p> <p>The Minister's diary is disclosed quarterly in line with Department of Premier and Cabinet guidelines.</p> |
| <p>The Hon. MARK BANASIAK: Just a couple of questions from me and then I will throw to you, Mr Shoebridge. Mr Tansey, did you end up finding some information about that property service?</p> <p>Mr TANSEY: Sorry, no. I do not have it in my notes. I will need to take that on notice.</p> <p>The Hon. MARK BANASIAK: On notice, can you just find out how often they have met so far? And if you could, on notice, provide whether there was a terms of reference for setting up this committee or some guidance notes in terms of what their purpose is, or what the aims and objectives of this committee are.</p> <p>Mr TANSEY: Yes.</p> |
| <p>ANSWER</p> <p>The Property Services Expert Panel was formally established on the 24th of March. At the time of the hearing, the panel had not met.</p> |
| <p>The Hon. MARK BANASIAK: Thank you. Mr Shoebridge?</p> <p>Mr DAVID SHOEBRIDGE: Mr Williams, did you say that Hungry Panda was being investigated or there was some consideration for an offence because of the failure to provide notice of the injury?</p> <p>Mr WILLIAMS: The notification? As I have said, I am not sure where the consideration of that is. I will have to talk to my colleague—the executive director of investigations. But to the best of my understanding, no decision has been made in relation to that matter. I will have to check.</p> <p>Mr DAVID SHOEBRIDGE: There is a legal obligation to provide notice of injury within 48 hours, is there not?</p> <p>Mr WILLIAMS: There are obligations to notify incidents. Correct</p> <p>Mr DAVID SHOEBRIDGE: Are you saying that there is a penalty provision associated with that?</p> <p>Mr WILLIAMS: There is a penalty provision associated with that.</p> <p>Mr DAVID SHOEBRIDGE: Perhaps you could provide on notice what it is. I was having a look—</p> <p>The Hon. DANIEL MOOKHEY: He said it was \$5,000.</p> <p>Mr DAVID SHOEBRIDGE: You said it was \$5,000. I am not familiar with any penalty that is \$5,000. There may be one that is \$5,000 and I am not familiar with where the penalty offence is for failure to provide notice. Perhaps you could provide that on notice.</p> <p>Mr WILLIAMS: Yes.</p> |
| <p>ANSWER</p> |

The relevant penalty under section 38 of the *Work Health and Safety Act 2011* is \$6,000 for corporations.

Mr DAVID SHOEBRIDGE: May have? That is a penalty offence, failure of having a register of injuries. That is actually one that I can assure you there is a penalty attached to. It is a \$5,500 maximum penalty. But you cannot tell us whether or not SafeWork even checked if Hungry Panda had a register of injuries.

Mr WILLIAMS: No, I cannot.

Mr DAVID SHOEBRIDGE: Might have. Might not have.

Mr WILLIAMS: I presume the inspector would have made inquiries, but I cannot confirm with you today in relation to the specific inquiries the inspector made on it.

Mr DAVID SHOEBRIDGE: Can you confirm whether or not those investigations—those inquiries—have been made of any of these gig economy delivery companies where SafeWork has become aware of an injury? Have you made that of any one of them?

Mr WILLIAMS: I am sure they would have, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Why are you sure?

Mr WILLIAMS: It is, as you alluded to, an issue that we do make inquiries about as part of investigations.

Mr DAVID SHOEBRIDGE: I did not say you made inquiries about that, Mr Williams; I was asking whether or not you did make inquiries about that.

Mr WILLIAMS: Sorry. My mistake.

Mr DAVID SHOEBRIDGE: I am anxious that you have not been making inquiries about that. That is the premise of my questioning. Do you understand?

Mr WILLIAMS: I understand, yes.

Mr DAVID SHOEBRIDGE: And you cannot satisfy me whether or not that was part of any of the investigations.

Mr WILLIAMS: No. I have not got the level of detail here in terms of the inquiries the inspectors undertook at that time. I would presume that those inquiries were made. That is all I can say.

Mr DAVID SHOEBRIDGE: But you will clarify on notice if those inquiries have been made, correct?

Mr WILLIAMS: Yes.

Mr DAVID SHOEBRIDGE: You will also clarify if those entities had a register of injuries, and what, if any, action is being taken in circumstances where they did not. Is that right?

Mr WILLIAMS: Yes. Happy to do that.

ANSWER

These enquiries are ongoing, and all outcomes of these inquiries will be reported on under the final report for the Joint Taskforce: Food Delivery Rider Safety due for completion on 1 April 2021.

Mr DAVID SHOEBRIDGE: No, but I do think it is fair to ask, What is the kind of global cost that a building owner can anticipate to pay? I am not going to break down any of the five sub-units, but what are we looking at in terms of the global costs in terms of either a percentage of the project or an indicative cost for a project of a certain scale? How much are we talking?

Mr CHANDLER: I prefer to provide that information on the other side of the tender, if you do not mind. So perhaps at the next time we meet I will provide a breakdown of that for you.

Mr DAVID SHOEBRIDGE: What I might do is press the question and you may wish to take it on notice.

Mr CHANDLER: Okay.

Mr DAVID SHOEBRIDGE: And we can perhaps explore the answer.

Mr CHANDLER: Sure.

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| <p>Mr DAVID SHOEBRIDGE: So you will take that on notice?</p> <p>Mr CHANDLER: Yes, I will.</p> |
| <p>ANSWER</p> <p>The Office of Project Remediate is currently procuring professional services through a competitive expression of interest and tender process which could be prejudiced by release of this information.</p> |
| <p>Mr DAVID SHOEBRIDGE: Yes. One of the features that distinguishes this package from the one in Victoria is that Victoria has put hundreds of millions of dollars on the table to meet these costs.</p> <p>Mr CHANDLER: Again I—</p> <p>Mr DAVID SHOEBRIDGE: Do you have any indication over the scope of this work how much globally that is going to cost these building owners?</p> <p>Mr CHANDLER: As I said, I would rather take that on notice and also I do not really want to comment on the fact that the Government has elected for a particular methodology.</p> |
| <p>ANSWER</p> <p>The Building Commissioner provided a response on the hearing day (page 68 of the transcript).</p> |
| <p>The Hon. COURTNEY HOUSSOS: I want to move on to the issue of unlicensed electrical work. I note Mr Dunphy has moved on so I am not sure who I need to—</p> <p>Ms HOGAN: Mr Williams will take that.</p> <p>The Hon. COURTNEY HOUSSOS: You have given me the number of inspectors. Can you tell me how many inspections they have made over the 2019-20 financial year?</p> <p>Mr WILLIAMS: I can give you the number of SafeWork inspector inspections. I probably do not have available the number of Fair Trading inspector inspections.</p> <p>The Hon. COURTNEY HOUSSOS: That answers my next question, which is, do you have a separate breakdown? If you want to take the Fair Trading ones on notice, that is fine.</p> <p>Ms HOGAN: We can give that on notice.</p> |
| <p>ANSWER</p> <p>NSW Fair Trading</p> <p>In the 2019-20 financial year, NSW Fair Trading conducted two inspections in response to complaints about unlicensed electrical work. Both inspections were in response to complaints from the Electrical Trades Union (ETU) about alleged unlicensed and unsupervised work at the Westconnex M5 Project (the project).</p> <p>Fair Trading investigators inspected the project over two days: 7 November 2019 and 8 November 2019. These inspections did not find any evidence of electrical work being performed unlawfully at the project.</p> <p>SafeWork NSW</p> <p>For the financial year 2019 -2020, there were 632 SafeWork NSW visits as a result of Requests for Service/ workplace incidents where electrical issues were identified as a hazard.</p> |
| <p>The Hon. COURTNEY HOUSSOS: Sorry, Mr Williams, I am asking specifically about unlicensed.</p> <p>Mr WILLIAMS: Oh, electrical. Okay.</p> <p>The Hon. COURTNEY HOUSSOS: I am not asking about general SafeWork inspections.</p> <p>Mr WILLIAMS: Sorry, okay.</p> <p>The Hon. COURTNEY HOUSSOS: I understand now that SafeWork can also do the same inspections that used to be limited to Fair Trading, which was a bit of a ridiculous situation.</p> <p>Mr WILLIAMS: Yes.</p> |

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| <p>The Hon. COURTNEY HOUSSOS: But I am interested to know how many inspections SafeWork has done checking unlicensed electrical work.</p> <p>Mr WILLIAMS: Electrical, yes. I will have to take that one on notice, sorry.</p> <p>The Hon. COURTNEY HOUSSOS: That is fine. If you can provide me with a breakdown of SafeWork and then Fair Trading.</p> <p>Mr WILLIAMS: Okay.</p> |
| <p>ANSWER</p> <p>Refer to the answer to previous question.</p> |
| <p>The Hon. COURTNEY HOUSSOS: Are you able to tell me how many complaints in total were received from the public or from alternate means regarding unlicensed electrical work?</p> <p>Mr WILLIAMS: I would not have that breakdown for unlicensed electrical work. We would only have the general number of complaints. Again, I will have to take that on notice, sorry.</p> |
| <p>ANSWER</p> <p>A search of NSW Fair Trading’s complaint database has identified the following number of complaints about unlicensed/unregistered electrical work:</p> <p>2019-2020: 28</p> |
| <p>The Hon. COURTNEY HOUSSOS: How many improvement notices and letters were issued in 2019-20, 2018-19 and 2017-18?</p> <p>Mr WILLIAMS: Specific to electrical work again?</p> <p>The Hon. COURTNEY HOUSSOS: Please. This is all for unlicensed electrical work.</p> <p>Mr WILLIAMS: All unlicensed electrical work, okay.</p> <p>The Hon. COURTNEY HOUSSOS: I assuming you do not have any of this information on you.</p> <p>Mr WILLIAMS: No, we do not have that with regularity, sorry.</p> <p>The Hon. COURTNEY HOUSSOS: Prohibition orders or penalty notices, how many were issued in those same financial years: 2019-20, 2018-19, 2017-18?</p> <p>Mr WILLIAMS: Yes.</p> <p>The Hon. COURTNEY HOUSSOS: And how many prosecutions? I understand they are the key. There is a complaint—obviously you can also proactively inspect but they are the three steps: There is a warning letter, there is a probation—or a penalty notice—and then there is prosecutions.</p> <p>Mr WILLIAMS: Yes.</p> <p>The Hon. COURTNEY HOUSSOS: Again, if you can give me the list of prosecutions for 2019-20, 2018-19, and 2017-18. And in each of those years, how many of the prosecutions were successful?</p> <p>Mr WILLIAMS: Yes.</p> <p>The Hon. COURTNEY HOUSSOS: And how many fines and what the total value of those fines was for each of those years: 2019-20, 2018-19 and 2017-18?</p> <p>Mr WILLIAMS: Okay.</p> <p>The Hon. COURTNEY HOUSSOS: Thanks very much, Mr Williams.</p> <p>Mr WILLIAMS: Not a problem.</p> |
| <p>ANSWER</p> <p>NSW Fair Trading conducted the following prosecutions related to unlicensed electrical work – the prosecution result is included:</p> <p>Financial Year 2017-18: 0</p> <p>Financial Year 2018-19: 3</p> <p>All three prosecutions were successful.</p> |

Financial Year 2019-20: 1

The prosecution was successful.

The following table includes the number of penalty notices and fines issued.

| Financial Year | Number of Notices | Total of fines |
|----------------|-------------------|----------------|
| 2017/2018 | 2 | \$1,000 |
| 2018/2019 | 13 | \$9,200 |
| 2019/2020 | 10 | \$9,000 |

SafeWork NSW records indicate in the 2017/18, 2018/19 and 2019/20 period there was one improvement notice issued for unlicensed electrical work (issued 2017-2018).

In the 2017/18, 2018/19 and 2019/20 period SafeWork NSW issued three prohibition notices for unlicensed electrical work (in 2018-2019).

The Hon. DANIEL MOOKHEY: We have presumably reached agreement with NSW Health as to how that form should look?

Ms McCOOL: Yes, that is correct. The form is available for doctors to notify.

The Hon. DANIEL MOOKHEY: Is it possible that you could provide on notice the current form?

Ms McCOOL: Definitely.

ANSWER

The notification forms for medical practitioners to notify cases of silicosis and asbestosis are on the NSW Health website at www.health.nsw.gov.au.

As mesothelioma is already notifiable to the NSW Cancer Institute (cancer notification) and reported to the Australian Mesothelioma Registry, NSW Health will collect that information separately and transfer it to SafeWork NSW with the silicosis and asbestosis notifications on a quarterly basis.

The cancer notification portal is at: <https://www.cancer.nsw.gov.au/research-and-data/cancer-data-and-statistics/submit-cancer-cases-to-the-nsw-cancer-registry/cancer-notification-portal>.

The Hon. DANIEL MOOKHEY: Okay. Can we on notice get the number of notices that are related to silica? Maybe we should do it however you account for it. Is it the financial year that you account for or calendar year? I do not know. Either way, if we can get the last three years—

Ms McCOOL: Sure.

ANSWER

July 2019 – June 2020: 291

July 2018 – June 2019: 780

July 2017 – June 2018: 62

The Hon. DANIEL MOOKHEY: Clearly these sites are now getting multiple visits, which is what you outlined you would do. But again it is just—and this is not me suggesting any blame on SafeWork's part in any way at this point—pointing to continued systemic problems if we are still seeing 118-odd notices or above being issued to 255 different sites as well. If you can take on notice your views and provide us on notice whether or not you think there has been any industry-wide improvement, what is the compliance culture? I will leave it to you to decide how you wish to describe it but I very much would like SafeWork's expert view as to whether you think the industry is doing a better job or a worse job, if that is possible.

Ms McCOOL: Yes. And probably just for now in terms of the main issue of uncontrolled dry cutting there has been a significant improvement. Prior to the on-the-spot fines there was 30 instances where there was uncontrolled dry cutting in manufactured stone. Since 1 July we have only

detected two circumstances of that. So I guess when you are looking at the priority issue, significant improvement. There are still things like, as I said, it may be their PPE, their clean-up, their—

The Hon. DANIEL MOOKHEY: To be fair, that is because the intervening event in that is that we banned it—the uncontrolled dry cutting—so I am glad to see the ban is working, if that is what you are saying. But, yes, any additional information will be most welcome if that is possible.

Ms McCOOL: Sure.

ANSWER

SafeWork NSW noted the manufactured stone industry is showing a marked improvement in round two of its visit program, noting many of these sites were visited a number of times during round one and showed improvement in that round too.

A summary of round one highlighted:

- SafeWork NSW completed 633 manufactured stone visits at the 246 fabrication sites.
- 699 notices were issued, of which 656 were improvement notices and 43 were prohibition notices. There were also 413 visits in other industries that work with silica (tunnelling, foundries, construction) with a further 93 notices issued.
- 531 of the 656 improvement notices related to silica, and follow-up visits indicate all notices have fully complied with the notice requirements.
- 24 of the 43 prohibition notices related to silica. All prohibition notices have been followed up.
- 60 sites had no notices at all.
- 60 sites complied within 1-2 months.
- 60 sites complied within 3-5 months (noting some sites had 6-8 notices to follow up on, some had 3 visits in 3 months etc).
- 20 sites complied within 6 months (one site had 12 notices, many starting to experience a waiting period for health monitoring tests).
- 25 sites complied within 8 months (excluding 4-5, all due to waiting for health monitoring, 3 month wait).
- 25 sites complied after 8 months (11 of these were due to waiting for health monitoring).
- Other reasons for the time to comply notices where it related to silica includes provision of personal protective equipment (PPE), labelling, safety data sheets, purchase of equipment etc. Where it related to non-silica it includes falls and plant/forklift safety.
- The above highlights that exposures can be controlled with the correct controls, as evidenced by the number of notices that are complied.

Round two as at 31 December 2020:

- 9 new sites have since been identified (255 sites).
- A second round of visits has commenced - 88/255 sites completed (34%) over 221 visits, with 141 notices issued.
- Of the 141 notices, 130 are improvement and 11 are prohibition. 120 relate to silica (113 improvement, 7 prohibition).
- This represents an approximate reduction from round one at the equivalent time (being 34% completion) of 97 notices.
- There have been two on-the-spot fines issued for uncontrolled dry cutting since their introduction on 1 July 2020.
- There have been 15 instances in the manufactured stone industry where control measures could not be confirmed as meeting the new Australian Workplace Exposure Standard for silica at 0.05 mg/m³.

- Workers and Persons Conducting a Business or Undertaking (PCBUs) are stating they have significantly better knowledge and understanding of health risks when working with manufactured stone/silica and correct controls. Only three repeat notices on training for respiratory protective equipment (RPE), and no notices for training in silica risk have been issued in round two.
- Some PCBUs are now undertaking pre-employment health checks of workers prior to employment and seeking advice and guidance on employing workers who have been diagnosed with silicosis. However, 13 repeat health monitoring notices have been issued in round two, predominately where health monitoring has not been provided for new workers hired since round one interactions.
- Significant investments by growing numbers of PCBUs in CNC (computer numerical control) machines to manage cutting processes (motorised manoeuvrable platform controlled by a computer to specific input instructions/highly automated). A total of 51 of 88 PCBUs identified additional control measures implemented since round one interactions.
- PCBUs have purchased wet cutting/polishing tools to improve work processes.
- Workplaces are cleaner/significantly less dust accumulation, which reflects improved work practices. Only four repeat notices have been issued for housekeeping.
- Higher number of workers using correct RPE for which they have been fit tested. RPE being correctly stored to ensure they are clean for use. A total of 13 repeat notices have been issued for fit testing, predominately for new workers that were not provided fit testing, or where worker was wearing a respirator other than the one they were tested for. Only two repeat notices on the provision of RPE and only one on the maintenance of RPE were issued.

The Hon. DANIEL MOOKHEY: Where were the two that were silica related?

Ms McCOOL: The first one was at WestConnex. That related to a scrubber that is used in the ventilation system that was malfunctioning. That notice was issued in October last year and complied in November, so the situation has—

The Hon. DANIEL MOOKHEY: Was that 3B or 3A of WestConnex?

Ms McCOOL: I would have to confirm that.

The Hon. DANIEL MOOKHEY: There are different contractors in charge, so it is a material difference as to who is actually in charge of the project. Stage 3A is being run by the Government, or 3B is being run by a private contractor. It depends on who is doing it.

Ms McCOOL: I would have to get—

The Hon. DANIEL MOOKHEY: So if it is possible we can find out whether it was 3A or 3B, that would be useful.

Ms McCOOL: Definitely. The second one was at Moorebank Intermodal. That was where a concrete saw was used to cut a concrete curb, and the water system was not working effectively. It did have a water-generated system but it was not working where a notice was issued.

The Hon. DANIEL MOOKHEY: On notice, can you provide us with descriptions of what the other 19 were that were not silica related?

Ms McCOOL: Sure.

ANSWER

The three silica improvement notices were for Westconnex 3A. 3B falls within the jurisdiction of Comcare. Further information on Westconnex and descriptions on non-silica related notices is provided in previous answers.

The Hon. JOHN GRAHAM: Concussion in sport is an increasing discussion in the sporting community. The SafeWork NSW website has 10 pages that deal with concussion; none of it deals specifically with sport, though. What day-to-day involvement does SafeWork NSW have with professional sportspeople, given this emerging discussion about concussion?

Ms WEBB: I am not aware of any, but that is not to say that it is not happening. I think we should take that on notice and check whether one of our outreach areas or the Centre for Work Health and Safety has done anything on it. We will get back to you on that.

The Hon. JOHN GRAHAM: That would be very welcome. Perhaps you might take some of these questions on notice as well. This is now more broadly about professional sports: How many notifiable injury reports were made concerning professional sports, say, in the past 12 months, as well as any investigations or enforcement actions? I just want to get a sense of what are the activities in this area.

Ms HOGAN: Relating just to concussion?

The Hon. JOHN GRAHAM: No, more broadly. That second group of questions is more broad. Returning to my questions about Mr Maguire's activities—I encourage you to take this on notice, rather than respond now—when you come back on notice and give an indication about whether he should be required to hold a licence, could you also take on notice whether you are investigating or are prepared to investigate if you find that he should?

Ms HOGAN: We will take that on notice.

ANSWER

SafeWork NSW has no identifiable data specifically for sporting injuries types or mechanism nor for interactions with sportspeople.

In the past 12 months, no matters involving professional sports have been accepted for full investigation or subject to enforcement action by SafeWork NSW.

Please refer to previous answer provided regarding the question on Mr Maguire and real estate licensing.

The Hon. COURTNEY HOUSSOS: I had a couple of questions of the Building Commissioner, but I will wait until he comes back. In the meantime, I have some questions about social media. I know that this was something that we canvassed a fair bit last year, Ms Webb. Tell me if I need to go elsewhere, Ms Hogan. We talked about social media last year. Your annual report says that the social media teams have monitored, reviewed and responded to more than 200,000 customer comments and inquiries. How many staff are involved in social media monitoring?

Ms WEBB: I believe there are two people full-time, monitoring. I think we should check on notice, because the communications team is not part of my division. I thought there were two.

Ms HOGAN: I do not have the breakdown but I can take it on notice for you.

The Hon. COURTNEY HOUSSOS: Do you have an idea of what the main issues are, Ms Webb, that you are monitoring for?

Ms WEBB: I suspect it varies greatly but I will, again, check with the social media team and let you know.

ANSWER

The Department of Customer Service social media team consists of 8 people who respond to enquiries and prepare content for 21 social media assets across multiple agencies in the cluster.

The team responds to relevant incoming, questions, comments and direct messages including enquiries around COVID-19 related regulation.

The team also monitors for other references on social networks, relevant to areas of cluster responsibility, that require a clarifying response.

The Hon. COURTNEY HOUSSOS: Is social media connected to the Fair Trading NSW complaints process, or are they two separate processes?

Ms WEBB: The complaint process is quite separate. That is not to say that occasionally someone might make a comment on social media that we would respond to by pointing them towards the complaints form if that is the correct place for them to go. But people have to fill out our separate complaints form to make a complaint to Fair Trading NSW.

The Hon. COURTNEY HOUSSOS: Have you made any efforts to connect your form into a way that can be connected to social media so that people do not have to go through the multiple steps, so they feel like they can engage in an easy way?

Ms WEBB: I think I will have to take it on notice. I am not even sure, when the social media people see that, whether they can directly connect the person to the form already or whether we can look into whether that can be done.

The Hon. COURTNEY HOUSSOS: That would be great. I am sure you will probably need to take this on notice: Of those 200,000 comments and inquiries, can you tell us how many progressed to formal investigations?

Ms WEBB: I think, as I mentioned, we have inquiries through social media, through the phones, through everything. Then if someone wants to make a complaint, as opposed to an inquiry or raise an issue, they have to fill out a specific complaint form. So I would be able to give data as to how many of the complaints go to investigation, but I probably will not be able to say how many of those complaints originated in a social media comment.

ANSWER

Customers who have raised a complaint through social media platforms are provided with direct access to NSW Fair Trading's complaints process. Fair Trading will require a number of details about the transaction and personal details about the parties involved in order to assist in resolving the dispute.

To protect privacy and the identity of our customers, it is necessary to obtain these details through a more secure platform.

Fair Trading does not connect complaint lodgement identification with social media posts as many customers use a created social media identification which differs from their actual identity.

The Hon. JOHN GRAHAM: I return to the questions about the changes to the tenancy laws. I was firstly interested in the budget that might accompany the information around this or the support to getting information out to tenants. What is the budget for community education, given that the tenancy laws are changing once again for this phase of the campaign?

Ms WEBB: I will have to take that on notice. I do not have that specific information.

ANSWER

There is no dedicated communications budget for the end of the tenancy moratorium changes. Community education strategies are being used to promote awareness of the changes.

The Hon. JOHN GRAHAM: I think the Minister in the first session referred to the support for tenants advice and advocacy services, mainly through the Tenants' Union. What is the budget for that support at the moment?

Ms WEBB: Probably safer to take that on notice.

The Hon. JOHN GRAHAM: On notice would be totally fine, the budget, but also the question about how long does that extend for. What is the time period which is currently agreed? If it is relevant, this may or may not be relevant given that time period, I assume that will continue into this next phase of the laws?

Ms WEBB: Through the Rental Bond Board we provide grants to the Tenants' Union ongoing anyway and other tenants' advisory services. That is the sort of baseline, but I will look into how much exactly.

ANSWER

Minister Anderson approved funding for the 2019-2022 Tenants' Advice and Advocacy Program (TAAP), which commenced on 1 October 2019 and runs until 30 June 2022. Funding for the 2020-2021 financial year is \$12.34 million and is sourced from the Rental Bond Board Interest Account. The Tenants Union of NSW receives ongoing funding under TAAP.

The Hon. JOHN GRAHAM: The key figures out of the ACOSS research are that 38 per cent of renters asked for variations due to COVID and the typical size of the deferral was \$216 per week. If that was over a nine-month period you are really starting to get up to the sorts of figures we were

talking about, even for the average. That might be up around the \$8,500 deferral, probably higher in Sydney because rents are higher in Sydney. These are national figures. But it is a significant amount, you would agree with that, Ms Webb?

Ms WEBB: I think there are so many variables about whether you can assume it was for the whole of the nine months for everyone and the rent. I really cannot comment on what the actuals are.

The Hon. JOHN GRAHAM: Yes. There are a lot of assumptions here, given the lack of data that we were talking about earlier. I might ask you about your reaction to the number. Their suggestion is the number of people in arrears is 75,000 nationally. That might mean 25,000 in New South Wales, perhaps.

Ms WEBB: I would have to take on notice how that relates to all the other bits of research that we have got.

ANSWER

Refer to the answer to the previous question on rental arrears.

(Biofuels)

The Hon. JOHN GRAHAM: Yes, and certainly there was a red tape argument. The concern that has been expressed is really that E10 sales are falling dramatically. It is down from 38 per cent in 2010-11 to 25 per cent in those most recent figures.

Ms WEBB: But from quarter to quarter for an individual volume fuel retailer, it did not actually change that much.

The Hon. JOHN GRAHAM: You are saying the lack of variability, yes. Thank you.

The Hon. DANIEL MOOKHEY: Just on that, how many service stations have been exempted from it?

Ms WEBB: I probably have to take that on notice. The number of volume fuel retailers that fall within the Act tends to vary from quarter to quarter because it is based on the volume of fuel. We do not have a stable number that are reporting, but I will take on notice exactly where it butts around.

The Hon. DANIEL MOOKHEY: Will you take on notice the number that have had repeat exemptions—more than one exemption?

Ms WEBB: I think pretty much everyone has had an exemption all the time.

ANSWER

As at 31 January 2021, there were 195 volume fuel retailers, and all have exemptions from the six per cent ethanol and two per cent biodiesel mandate.

The Hon. DANIEL MOOKHEY: Okay, good to know. Can we ask you some questions about the Code of Conduct for the Short-term Rental Accommodation? How many complaints has Fair Trading received about short-term rental accommodation since the introduction of the code?

Ms WEBB: We have had one complaint and 17 inquiries in writing and 20 inquiries by phone.

The Hon. DANIEL MOOKHEY: Seventeen inquiries by writing and 20 by phone, did you say?

Ms WEBB: And one complaint

The Hon. DANIEL MOOKHEY: I will not ask you who the complaint was about and what it was for, but was the complaint investigated?

Ms WEBB: I will have to take that on notice and get back to you about where that is up to.

ANSWER

NSW Fair Trading has made enquiries in relation to the complaint and the matter is ongoing.

The Hon. DANIEL MOOKHEY: What enforcement notices can you issue under that code? Breach of the code results in what, precisely? Does it depend on the nature of the breach?

Ms WEBB: I think it is probably better if I take it on notice. There are civil penalties for very serious offences and then there is the two-strikes penalty. There is a range of things we can do.

ANSWER

If a breach is found to have occurred, NSW Fair Trading may impose one of the following penalties:

- warnings or directions to take or cease certain action
- monetary penalty
- a 'strike' against a host, host's premises, or guest for serious breaches of the code
- recording a guest, host or host's premises on the Exclusion Register.

Participants can be excluded from the industry if they are found by Fair Trading to have committed two serious breaches (strikes) of the Code of Conduct in a two-year period.

Fair Trading can also record a host or a guest on the Exclusion Register if satisfied that a person has been charged with a criminal offence and it is in the public interest to exclude the person until the criminal proceedings are determined.

The Hon. DANIEL MOOKHEY: When you say you are "continuing to report to the Ombudsman", how frequently are you doing it?

Ms WEBB: We did a report at the end of January and the next one is due in probably a month or two. But I can double-check that and take it on notice.

ANSWER

A progress report was provided on 21 January 2021 with further reports to be provided 21 March 2021, May 2021 and the final report due 21 July 2021.

The Hon. DANIEL MOOKHEY: Were SafeWork NSW inspectors authorised under section 126 of the Public Health Act 2020?

Ms WEBB: Liquor and Gaming, Fair Trading and SafeWork inspectors were all authorised.

The Hon. DANIEL MOOKHEY: All of them or was there a certain percentage?

Ms WEBB: Pretty much in the end I think it is more than 200 people were authorised, so not all the inspectors were authorised, but a lot of inspectors were authorised.

The Hon. DANIEL MOOKHEY: A large number of them were. How much time were they actually doing that for? None of which, by the way, is critical. It will be understanding how much that was as a workload?

Ms WEBB: It varied quite a lot. Obviously during the points in which the COVID emergency was more front of mind quite a bit of time and we also flexed it quite a bit, depending on when there were new public health orders with new requirements, some businesses, then we would do a lot of inspection work to make sure that businesses were understanding, as requirements about QR codes and things like that changed over time. We responded to various hotspots that Health would identify to us. So it was quite a flexible and varied program. And also just as people were doing their normal day-to-day inspections sometimes they would come across a public health issue as well.

The Hon. DANIEL MOOKHEY: That is useful. If you have on notice any further statistics or analysis you can provide as to points of intensity at times?

Ms WEBB: I can tell us how many inspections in total. On notice I can get that.

The Hon. DANIEL MOOKHEY: That would be helpful as well. Incidentally, we, of course, applaud them for the work that they did in helping ensure the public health orders were being complied with. How many SafeWork NSW inspectors are authorised under the IPART under section 5D of the Electricity Supply Act 1995? You may want to take that on notice.

Mr WILLIAMS: We will have to take the exact number on notice. It is a reasonably small number, but we will take that on notice.

ANSWER

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| <p>There were 207 SafeWork NSW Safety Inspectors across NSW authorised under the <i>NSW Public Health Act 2010</i> to conduct COVID Safe inspections across NSW (from July 2020).</p> |
| <p>The Hon. DANIEL MOOKHEY: What areas did the Governance and Appeals Unit detect in the original?</p> <p>Mr WILLIAMS: I do not have that information before me. That is done independently of the Inspectorate, so I have not got that information available.</p> |
| <p>ANSWER</p> <p>On receipt of a request to review a decision, the Better Regulation Division's Governance and Appeals Unit's (GAU) responsibility is to consider the reasons provided by the applicant for review and whether a notice was issued in accordance with legislative requirements.</p> <p>The review considers all the material that was available to the original decision maker at the time the decision was made and any new, relevant information that has become available since that decision, including information provided by the applicant.</p> <p>In this instance, the GAU's review required consideration as to whether there was a legislative requirement for an employer to notify SafeWork NSW of workers diagnosed with COVID-19 under the work health and safety legislative requirements.</p> |
| <p>The Hon. DANIEL MOOKHEY: With some amendments to adjust for the new circumstances. So what error did the Governance and Appeals Unit make when they made the decision to overturn what turned out to be a correct order?</p> <p>Mr WILLIAMS: Sorry, Mr Mookhey, I cannot answer that because, as I say, it is done independently from us. I am not privy to that information.</p> <p>The Hon. DANIEL MOOKHEY: Ms Webb, are you in a position to provide us with some information?</p> <p>Ms WEBB: I think we could provide you with a copy of the Industrial Relations Commission judgement, which would outline that.</p> |
| <p>ANSWER</p> <p>The Governance and Appeals Unit (GAU) considered whether the circumstances relevant to the employer and current work health and safety legislation imposed an obligation to notify SafeWork of a COVID-19 diagnosed worker. The unprecedented nature of COVID-19 being untested in the context of existing legislation.</p> <p>The review decision resulted in the setting aside of the two improvement notices issued by SafeWork NSW.</p> <p>The review decision was subsequently appealed to the Industrial Relations Commission (IRC). The issues were the subject of conciliation with the IRC making orders to give effect to the conciliated outcome. Those orders revoked the internal review decision and varied the original improvement notice by replacing the Directions with the agreed actions achieved through conciliation.</p> |
| <p>The Hon. DANIEL MOOKHEY: Is it possible that you could provide us with the decision of the Governance and Appeals Unit that took place?</p> <p>Ms WEBB: We will take on notice whether we can provide that. I think it was pretty lengthily referred to in the judgement but we can—</p> <p>The Hon. DANIEL MOOKHEY: I imagine you would have had to produce it to the Industrial Relations Commission.</p> <p>Ms WEBB: Exactly.</p> <p>The Hon. DANIEL MOOKHEY: So I imagine therefore you can produce it to us.</p> <p>Ms WEBB: We will take that on notice.</p> <p>The Hon. DANIEL MOOKHEY: This is</p> |
| <p>ANSWER</p> |

| |
|--|
| <p>The review decision produced by the Governance and Appeals Unit (GAU) is not a public document and is not appropriate for publication.</p> |
| <p>The Hon. DANIEL MOOKHEY: How many decisions of the Governance and Appeals Unit have been appealed to the Industrial Relations Commission in the last two years?</p> <p>Mr WILLIAMS: I do not know. I would have to take that on notice.</p> <p>The Hon. DANIEL MOOKHEY: Is this the only one?</p> <p>Mr WILLIAMS: Sorry?</p> <p>The Hon. DANIEL MOOKHEY: Is this the only one?</p> <p>Mr WILLIAMS: I am not sure. I would have to check. But I can say it is commonplace for notices to be reviewed under request from PCBUs. That is very common.</p> |
| <p>ANSWER</p> <p>13.</p> |
| <p>The Hon. DANIEL MOOKHEY: So the fact that you had a significant one like this overturned by the Industrial Relations Commission did not prompt any review from SafeWork NSW as to why the Governance and Appeals Unit got it wrong. Is that seriously the position that is being outlined here?</p> <p>Ms WEBB: I think Mr Williams does not look after the Governance and Appeals Unit, so it is a bit hard for him to answer.</p> <p>The Hon. DANIEL MOOKHEY: Who does?</p> <p>Ms WEBB: I will have to get Mr Gavrielatos to provide an answer on notice.</p> <p>The Hon. DANIEL MOOKHEY: To be fair to you, Mr Williams, I am not directing these questions at you personally. It is because you are the person who is here. I accept the fact that you are not responsible for this, but I would appreciate if we could get some answers on that as well. Can I just ask: On the Governance and Appeals Unit, how many decisions are they overturning in general in a 12-month period?</p> <p>Ms WEBB: We can take that on notice and we will confirm.</p> <p>The Hon. DANIEL MOOKHEY: Is that creating any internal consternation in SafeWork NSW?</p> <p>Mr WILLIAMS: I can tell you, whilst I am happy to confirm the number or the percentage, it is very small. I would estimate, but I will confirm this, that it would be only a couple of per cent of our notices that are actually overturned.</p> |
| <p>ANSWER</p> <p>Of the matters considered by the Governance and Appeals Unit as at 11 March 2021 in the 2020-2021 financial year:</p> <ul style="list-style-type: none"> • 58 per cent of decisions reviewed were confirmed. • 26 per cent of decisions reviewed were set aside. • 14 per cent of review applications had the decision cancelled by the operating team. • 2 per cent of decisions reviewed varied the decision. |
| <p>(SW triage process – call centre)</p> <p>Mr WILLIAMS: The initial contact is through an administrative staff member but an inspector does review all of the matters.</p> <p>The Hon. DANIEL MOOKHEY: How many decisions that are made—are you saying every decision made by a call centre staff member is reviewed by an inspector?</p> <p>Mr WILLIAMS: Matters that involve incidents—so some of the matters that were described this morning where there is a workplace incident, all of those matters would be reviewed at some stage by an inspector.</p> |

The Hon. DANIEL MOOKHEY: At some stage?

Mr WILLIAMS: Yes. A lot of the—

The Hon. DANIEL MOOKHEY: By the inspector?

Mr WILLIAMS: Yes.

The Hon. DANIEL MOOKHEY: But the actual decision as to the immediate response is being made by a person who is in a call centre. Is that correct?

Mr WILLIAMS: Yes, but in collaboration and consultation with a SafeWork NSW inspector.

The Hon. DANIEL MOOKHEY: Sure. What is the ratio of staff to inspectors?

Mr WILLIAMS: I would have to take that on notice. I am not sure. It would vary depending on—

The Hon. DANIEL MOOKHEY: But is it one for one at all times?

The Hon. DANIEL MOOKHEY: Sure. What is the ratio of staff to inspectors?

Mr WILLIAMS: I would have to take that on notice. I am not sure. It would vary depending on—

ANSWER

SafeWork NSW's management of notified events, complaints and incidents is guided by the National Triage Decision Making Framework. The national framework was adopted by NSW as part of SafeWork's commitment to harmonised work health and safety legislation. The triage framework has been embedded into the recording and workflow system of SafeWork NSW.

To appropriately utilise SafeWork inspector resources, triage systems have been implemented to help prioritised matters requiring an immediate or urgent response. This means that all notifiable incidents which are communicated to SafeWork's 13 10 50 hotline are immediately categorised by severity to determine required response.

Calls are initially assessed by the SafeWork Customer Experience team comprised of 16 full time staff. In all instances involving a notifiable incident, the Customer Experience team member will draw upon SafeWork's pool of 331 dedicated inspectors by consulting the SafeWork Duty Inspector whose role it is to assess each event and determine if an inspector response is required or if the site can be released.



IMPROVEMENT NOTICE

Notice No: 7-388639

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$58,650 for an individual and \$294,270 for a body corporate.

Notice issued to:

Legal name of person / business or undertaking: PORTIER PACIFIC PTY LTD

ABN: 28622365459 ACN: 622365459

Trading as:

Address: GPO Box 2646, , SYDNEY NSW, 2001

Details of contravention:

Site location: [REDACTED] ROCKDALE, NSW, 2216

I, Colleen Harris reasonably believe on 14/12/2020 at 2:30:00PM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19 and *Work Health and Safety Regulation 2017*, clause 35.

Brief description of how the provision is being or has been contravened:

Workers who are "caused to be engaged" by Portier Pacific, are exposed to a serious risk to their health or safety as the person conducting a business or undertaking has not adequately identified reasonably foreseeable hazards that could give rise to risks to health and safety as a result of the systems of work used by UberEATS food delivery riders to deliver food in NSW.

E.g.: During the period 1 January 2020 to 7 December 2020 Portier Pacific have notified 74 serious notifiable injuries of UberEATS rider to SafeWork NSW, where the business has not adequately identified hazards as a result of the incidents.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

1. A duty holder, in managing risks to health and safety, must identify reasonably foreseeable hazards that could give rise to risks to health and safety. In particular, but not limited to:
 - identifying reasonably foreseeable hazards from the incidents & incident records
 - reviewing the systems of work used to identify hazards to UberEATS food delivery riders in NSW.
2. You must ensure that the incident reporting & review system process in place adequately identifies reasonable foreseeable hazards.

Recommendations (if any): (It is not an offence not to comply with these recommendations)

To assist in compliance with this Notice your attention is drawn to the following guidance material:

- SafeWork NSW Code of Practise – "how to manage work health and safety risks"

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

16/12/2020

Liverpool Office, LIVERPOOL

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

31/03/2021

Service method:

E-Mail

PORTIER PACIFIC PTY LTD

Person conducting a business or undertaking (PCBU)

Notice given to

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision .
3. A worker whose interests are affected by the decision .
4. A health and safety representative who represents a worker whose interests are affected by the decision .

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form , and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011 . SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

You may apply to SafeWork to access and correct any of your own personal information SafeWork holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Privacy Contact Officer, SafeWork NSW Head Office, Locked Bag 2906, Lisarow, NSW 2252.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.



IMPROVEMENT NOTICE

Notice No: 7-393875

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$58,650 for an individual and \$294,270 for a body corporate.

Notice issued to:

Legal name of person / business or undertaking: HUNGRYPANDA AU PTY LTD
ABN: 37630315132 ACN: 630315132
Trading as:
Address: PO Box 1480, , GLEN WAVERLEY VIC, 3150

Details of contravention:

Site location: [REDACTED] ZETLAND, NSW, 2017

I, Colleen Harris reasonably believe on 7/12/2020 at 5:00:00PM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19 and *Work Health and Safety Regulation 2017*, clause 39.

Brief description of how the provision is being or has been contravened:

Workers who are "caused to be engaged" by HungryPanda Australia, and other persons (member of the public) may be exposed to a serious risk to their health or safety from using motorcycles on NSW Roads when they are not familiar with the risks associated with the work or the environment in which they are working.

It was observed that HungryPanda food delivery riders using motorcycles are on international student visa, are riding using overseas licenses and they are not provided with adequate instruction, information and training to understand the risks associated with the work and to operate safely.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

1. Review the current induction/on-boarding processes used to inform and instruct HungryPanda motorcycle food delivery riders to ensure that workers are provided with suitable and adequate information, training and instruction to work safely in NSW when picking up and delivering food orders.
2. Ensure that the information, training and instruction provided to the workers is suitable having regard to:
 - a. The nature of the work carried out by HungryPanda motorcycle food delivery riders.
 - b. The nature of the risks associated with the work carried out by these workers.
 - c. The control measure available and known to control these risks.
3. Ensure, as far as is reasonably practicable, that the information, training and instruction is provided in a way that is readily accessible and understandable to any worker to whom it is provided.

Recommendations (if any): (It is not an offence not to comply with these recommendations)

In complying with the direction, you may give consideration to further guidance available from:

- SafeWork NSW code of practice 'How to Manage Work Health and Safety Risks
- NSW Motorcycle Riders Handbook.

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

09/12/2020

Liverpool Office, LIVERPOOL

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

31/03/2021

Service method:

E-Mail

Notice given to

Person conducting a business or undertaking (PCBU)

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision .
3. A worker whose interests are affected by the decision .
4. A health and safety representative who represents a worker whose interests are affected by the decision .

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form , and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011 . SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

You may apply to SafeWork to access and correct any of your own personal information SafeWork holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Privacy Contact Officer, SafeWork NSW Head Office, Locked Bag 2906, Lisarow, NSW 2252.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.



IMPROVEMENT NOTICE

Notice No: 7-388129

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$58,650 for an individual and \$294,270 for a body corporate.

Notice issued to:

Legal name of person / HUNGRYPANDA AU PTY LTD

business or undertaking:

ABN: 37630315132

ACN: 630315132

Trading as:

Address: PO Box 1480, , GLEN WAVERLEY VIC, 3150

Details of contravention:

Site location: [REDACTED] ZETLAND, NSW, 2017

I, Colleen Harris reasonably believe on 7/12/2020 at 5:00:00PM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19.

Brief description of how the provision is being or has been contravened:

Workers who are "caused to be engaged" by HungryPanda Australia, and other persons (member of the public) may be exposed to a serious risk to their health or safety because of the inadequate system of work used by HungryPanda to identify, assess and verify rider skills and competencies.

Copies of a riders onboarding documentation for a particular rider, including evidence of identification, visas, licenses, vehicle registration and insurance etc, could not be produced in response to a Section 155 Notice.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

You must as far as is reasonably practicable:

1. Develop a system of work for validating rider credentials and competencies which ensures that the workers you "cause to be engaged" have the necessary credentials and competence to safely perform the work.
2. Keep and maintain a records of workers credentials and competencies as of evidence of verification of skills and competency.

Recommendations (if any): (It is not an offence not to comply with these recommendations)

In complying with the direction, you may give consideration to further guidance available from:

- SafeWork NSW code of practice 'How to Manage Work Health and Safety Risks

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

09/12/2020

Liverpool Office, LIVERPOOL

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

31/03/2021

Service method:

E-Mail

Notice given to

Person conducting a business or undertaking (PCBU)

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision .
3. A worker whose interests are affected by the decision .
4. A health and safety representative who represents a worker whose interests are affected by the decision .

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form , and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011 . SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

You may apply to SafeWork to access and correct any of your own personal information SafeWork holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Privacy Contact Officer, SafeWork NSW Head Office, Locked Bag 2906, Lisarow, NSW 2252.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.



IMPROVEMENT NOTICE

Notice No: 7-388126

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$58,650 for an individual and \$294,270 for a body corporate.

Notice issued to:

Legal name of person / business or undertaking: HUNGRYPANDA AU PTY LTD
ABN: 37630315132 ACN: 630315132
Trading as:
Address: PO Box 1480, , GLEN WAVERLEY VIC, 3150

Details of contravention:

Site location: [REDACTED] ZETLAND, NSW, 2017

I, Colleen Harris reasonably believe on 7/12/2020 at 5:00:00PM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19 and *Work Health and Safety Regulation 2017*, clause 39.

Brief description of how the provision is being or has been contravened:

Workers who are "caused to be engaged" by HungryPanda Australia, and other persons (member of the public) may be exposed to a serious risk to their health or safety from using bicycles on NSW roads when they are not familiar with the risks associate with the work or the environment in which they are working.

It was observed that HungryPanda food delivery riders using bicycles are on international student visa, are unfamiliar with NSW road rules and bicycles rules and they are not provided with adequate instruction, information and training to understand the risks associated with the work and to operate safely.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

You must, as far as is reasonably practicable::

1. Review the current induction/on-boarding processes used to inform and instruct HungryPanda bicycle food delivery riders to ensure that workers are provided with suitable and adequate information, training and instruction to work safely in NSW when picking up and delivering food orders.
2. Ensure that the information, training and instruction provided to the workers is suitable having regard to:
 - a. The nature of the work carried out by HungryPanda bicycle food delivery riders.
 - b. The nature of the risks associated with the work carried out by these workers.
 - c. The control measure available and known to control these risks.
3. Ensure, as far as is reasonably practicable, that the information, training and instruction is provided in a way that is readily access ble and understandable to any worker to whom it is provided.

Recommendations (if any): (It is not an offence not to comply with these recommendations)

In complying with the direction, you may give consideration to further guidance available from:

- SafeWork NSW code of practice 'How to Manage Work Health and Safety Risks
- Transport NSW (RMS) A Handbook for Bicycle Riders

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

09/12/2020

Liverpool Office, LIVERPOOL

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

31/03/2021

Service method:

E-Mail

Notice given to

Person conducting a business or undertaking (PCBU)
Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision .
3. A worker whose interests are affected by the decision .
4. A health and safety representative who represents a worker whose interests are affected by the decision .

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form , and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011 . SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

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An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.



IMPROVEMENT NOTICE

Notice No: 7-388606

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$58,650 for an individual and \$294,270 for a body corporate.

Notice issued to:

Legal name of person / business or undertaking: PORTIER PACIFIC PTY LTD
ABN: 28622365459 ACN: 622365459
Trading as:
Address: GPO Box 2646, , SYDNEY NSW, 2001

Details of contravention:

Site location: [REDACTED] MARRICKVILLE, NSW, 2204

I, Colleen Harris reasonably believe on 14/12/2020 at 3:00:00PM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19 and *Work Health and Safety Regulation 2017*, clause 39.

Brief description of how the provision is being or has been contravened:

Workers who are "caused to be engaged" by Portier Pacific, and other persons (members of the public) are exposed to a serious risk to their health or safety from the use of motorcycles on NSW Roads for food delivery purposes when riders are not provided with adequate information, instruction and training to familiarize them with the risks associated with the work, the environment in which they are working or the control measures that must be implemented for this work to be undertaken safely.
E.g.: A food delivery rider "on trip" with UberEATS using a motorcycle was involved in a fatal accident on 24.9.20 when he failed to give way to a vehicle on his right and was wearing an "unapproved helmet. The deceased had not been provided with adequate information, instruction and training on the risks related to operating a motorcycle for commercial purposes on roadways, and the requirement to wear a compliant helmet.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

- The person must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to
 - (a) the nature of the work carried out by UberEATS motorcycle delivery riders
 - (b) the nature of the risks associated with the work carried out by these workers
 - (c) the control measures available & known to control these risks.
- In particular, by reviewing & updating the current induction/on-boarding processes used to inform and instruct UberEATS motorcycle food delivery riders to ensure that workers are provided with suitable and adequate information, training and instruction to work safely on NSW roads when picking up and delivering food orders.
- You must ensure, as far as is reasonably practicable, that the information, training and instruction is provided in a way that is readily access ble and understandable to any worker to whom it is provided.

Recommendations (if any): *(It is not an offence not to comply with these recommendations)*

In complying with the direction, you may give consideration to further guidance available from:

- SafeWork NSW code of practice 'How to Manage Work Health and Safety Risks'
- NSW Roads and Maritime – 'Motorcycle Riders Handbook'.

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

16/12/2020

Liverpool Office, LIVERPOOL

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

31/03/2021

Service method:

E-Mail

Person conducting a business or undertaking (PCBU)

Notice given to

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision .
3. A worker whose interests are affected by the decision .
4. A health and safety representative who represents a worker whose interests are affected by the decision .

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form , and lodge it at SafeWork NSW before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspended) once the application for review of decision is lodged with SafeWork NSW. The stay remains in effect until a decision is made by SafeWork NSW and whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW's decision.

Please contact SafeWork's Governance and Appeals Unit on (02) 4724 4920 for an application form or visit www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or SafeWork NSW has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

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IMPROVEMENT NOTICE

Notice No: 7-388629

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply with this notice may incur a maximum penalty of \$58,650 for an individual and \$294,270 for a body corporate.

Notice issued to:

Legal name of person / business or undertaking: PORTIER PACIFIC PTY LTD

ABN: 28622365459 ACN: 622365459

Trading as:

Address: GPO Box 2646, , SYDNEY NSW, 2001

Details of contravention:

Site location: [REDACTED] SURRY HILLS, NSW, 2010

I, Colleen Harris reasonably believe on 14/12/2020 at 3:00:00PM that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19 and *Work Health and Safety Regulation 2017*, clause 35.

Brief description of how the provision is being or has been contravened:

Workers who are "caused to be engaged" by Portier Pacific are exposed to a serious risk to their health or safety by being permitted to use unsafe electric bikes (ebikes) that are being operated in an unsafe manner for food delivery purposes.

E.g.: A fatality on 23.11.20 involved an UberEats food delivery riders using an ebike where the ebike was being ridden "very fast" on a footpath, and involved the use of an ebike that appeared to not be approved for use on any road or road-related area in NSW. A fatality on 22.11.20 also involved an UberEats rider riding an ebike on a crossing against a red light.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

1. You must so far as is reasonably practicable ensure the health and safety of workers by managing the risks associated with the use of ebikes by UberEATS food delivery riders in NSW, by eliminating or if not possible, by minimising risks to health and safety so far as is reasonably practicable.
2. In managing the risks consideration should be given to identifying if unapproved ebikes are being used by UberEATS riders, and the nature in which the ebikes are being used for delivery purposes.
3. You must consult with riders who use ebikes to deliver food for UberEATS during this process.

Recommendations (if any): (It is not an offence not to comply with these recommendations)

To assist in compliance with this Notice your attention is drawn to the following guidance material:

- SafeWork NSW Code of Practise – "how to manage work health and safety risks"
- NSW Roads and Maritime Vehicle Standards Information, Rev4, 8 DECEMBER 2014.

You should review the effectiveness of the control measures implemented at a later date in consultation with workers doing the

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

16/12/2020

Liverpool Office, LIVERPOOL

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

31/03/2021

Service method:

E-Mail

Notice given to

Person conducting a business or undertaking (PCBU)

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

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Internal review of decision

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3. A worker whose interests are affected by the decision .
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How does a person apply for a review of a decision?

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