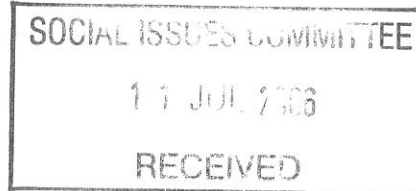


Ref: CEO:001028/06

Ms Katherine Fleming
Principal Council Officer
Legislative Council Standing Committee on Social Issues
Parliament House
Macquarie Street
SYDNEY NSW 2000

7 JUL 2006



Dear Ms Fleming

I refer to your letter regarding the transcript of *the Legislative Council Standing Committee Inquiry into the Impact of Commonwealth WorkChoices Legislation* (the Inquiry) hearing on Monday 19 June 2006, which included the testimony of Ms Vicki Telfer, General Manager - Strategy and Policy.

The transcript appears accurate with the exception of a minor error on page 7. As requested, the relevant error has been circled and the correction made in the left hand margin of the page, which is attached for your information.

I note the Committee's additional question regarding the impact of the WorkChoices legislation on the rights of entry for WorkCover NSW. In this respect, WorkCover understands that those amendments made to the *Workplace Relations Act 1996* (the Act) do not currently impact upon the powers of entry to certain premises exercisable by WorkCover inspectors in accordance with the *Occupational Health and Safety Act 2000*.

As the Committee is aware, the WorkChoices changes to the Act seek to override a number of State and Territory laws. While rights of entry for prescribed organisations including unions are affected by these changes to the Act, WorkCover's are not.

I can advise, however, that the Act's subordinate legislation, the *Workplace Relations Regulation 2006* (the Regulation), also prescribes State and Territory laws that are overridden by the Act. For instance, the Regulation prescribes the *Contracts Review Act 1980* (NSW) as a State law that is overridden in part. While this clause does not currently prescribe any other State legislation that is overridden by the Act, the Commonwealth may amend the Regulation at any time to prescribe other State laws to be overridden by the Act.

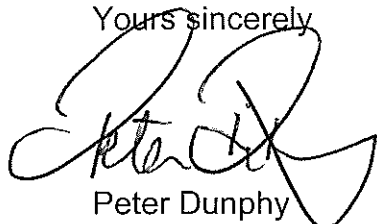
In view of the above information, the Committee's second question, regarding how the changes to right of entry may impact upon a particular investigation, is not relevant at this time.

WorkCover. **Watching out for you.**

Should the Committee have any additional queries regarding the impact of the Work Choices legislation on workplace safety in New South Wales, please contact Mr Stephen Higham, Manager – Policy Unit, by telephone on 4321 5827.

I trust this information is of assistance to the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Dunphy', written over a large, stylized circular flourish.

Peter Dunphy
A/General Manager – Strategy and Policy