



LEGISLATIVE COUNCIL

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BUDGET ESTIMATES 2022-2023 Supplementary Questions

Portfolio Committee No. 4 – Customer Service and Natural Resources

SMALL BUSINESS AND FAIR TRADING

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SMALL BUSINESS AND FAIR TRADING

Questions from the Hon. Mark Buttigieg MLC *(on behalf of the opposition)*

Audiometric Testing

- 1) In the last 5 years, by yearly breakdown, please provide the number of requests for service and the number of incidents that were referred or notified to SafeWork NSW that involved risks of noise?
 - (a) How many of these were challenged by workplaces?
 - (b) How many of these were overturned?
- 2) How many risk assessments around minimising risk around noise has SafeWork required PCBU's to forward to SafeWork NSW in the last five years, please provide a breakdown by year.
- 3) How many businesses are currently 'using audiometric testing' referred to on page 41 of the uncorrected transcript of Budget Estimates?
- 4) Deputy Secretary, Better Regulation, Department of Customer Service, stated at Budget Estimates (pg.17) that the audiometric exemption "applies to businesses which use hearing protection as a control, not to businesses that are not using hearing protection', how many improvement or prohibition notices have SafeWork given for businesses who are not using hearing protection in the last 5 years? Please provide a breakdown by year.
 - (a) How many onsite visits have SafeWork inspectors undertaken at PCBU's around noise risk?
- 5) When Deputy Secretary, Better Regulation, Department of Customer Service, stated at Budget Estimates 'our focus at SafeWork is on regulating noise at the source" how are you doing this?
- 6) When was the "cost-benefit analysis as well, as required by clause 58" referred to at Budget Estimates with regard to audiometric testing undertaken?
 - (a) Who undertook this cost benefit analysis?
 - (b) On what basis was the cost calculated?
 - (c) On what basis was the risk calculated?
 - (d) Has the number of workers compensation claims for hearing loss been examined in regard to risk?
- 7) Mr Tansey referred to 'the process of working up proposals to consult on the audiometric testing exemption...' who will be involved in the consultation?
 - (a) When will these consultations occur?
- 8) How is it that Mr Tansey referred to the requirement for audiometric testing as 'a holdover from the old legislation' when it is in the current model legislation to which NSW has signed up?

ANSWER:

1)

Year Received	Requests for Service	Workplace Incidents
2017	144	0
2018	104	5

2019	105	0
2020	149	4
2021	131	5
2022	77	2
Total	710	16

(a) Nil.

(b) Nil.

- 2) SafeWork NSW does not have data on how many risk assessments for minimising noise were provided to SafeWork NSW. Inspectors most often sight documentation during a workplace visit.
- 3) SafeWork NSW does not keep a register of businesses that use audiometric testing as part of their risk management procedures for managing the risk of hearing loss from noise.
- 4) Notices issued for not wearing PPE to manage noise exposure 2017-current:

Year Notice Issued	Type of Notice			Grand Total
	Improvement	Penalty	Prohibition	
2017	8			8
2018	23		1	24
2019	18	2		20
2020	6			6
2021	11		1	12
2022	11			11
Grand Total	77	2	2	81

(a) SafeWork NSW inspectors undertake regular compliance programs on a range of workplace hazards. During these visits inspectors may identify and respond to noise-related matters. There have been 75 on site visit type actions recorded specifically relating to noise however the number of times inspectors provide education on site regarding noise would be far greater than this.

- 5) In addition to ongoing interventions resulting from requests for service and incidents SafeWork NSW undertakes regular compliance and educational work around noise. From November 2020 to June 2021 SafeWork NSW ran a series of 'Ask an Inspector about Noise' online forums that were targeted at general industry, construction, manufacturing & transport. These were well received and well attended.

In mid-2021 SafeWork Inspectors carried out an advisory/compliance program of visits to manufacturing workplaces specifically targeting the management of noise in their workplace. This was well received by businesses and workers in those industries. Guidance tools and leave-behind documents were created and distributed during these visits.

The SafeWork NSW noise web pages were updated including webinars, videos, YouTube content and detailed technical information, all with a focus on simplifying compliance for business so that

workers were better protected. Internal guidance for inspectors to respond to noise-related matters accompanying continued training for existing Inspectors around noise was also developed.

- 6) There has been no formal cost-benefit analysis. However SafeWork NSW will undertake public consultation as to the costs and benefits to determine whether the provision should be repealed or remain.
 - (a) Refer to the answer to question 6.
 - (b) Refer to the answer to question 6.
 - (c) Refer to the answer to question 6.
 - (d) Refer to the answer to question 6.
- 7) The paper will be released for public consultation.
 - (a) The timing of the release of the paper is anticipated to be November 2022, however is subject to approval.
- 8) There were no mandatory audiometric testing requirements under the repealed Occupational Health and Safety Act 2000. The requirement was introduced when NSW adopted the model work health and safety laws in 2011 but has never been in effect due to transitional arrangements and the issue of exemptions.

COVID-19 response

- 9) Since January 2020, what actions have SafeWork NSW taken in the aged care sector in response to the continually high number of workers infected with Covid-19? In your response, please provide the numbers and types of actions including inspector field responses and provision of advice to PCBU's on requirements for infection control.
- 10) What knowledge does SafeWork NSW have about the measures NSW aged care providers are taking to ensure the health and safety of workers in relation to Covid-19?
- 11) Given the actions of the regulator in both Victoria and Queensland, how many SafeWork NSW specific COVID-related regulatory actions in the aged care sector have occurred in the 2.5 years since the commencement of Covid-19?
- 12) Why have SafeWork NSW inspectors (with access to properly fit-tested masks) not undertaken any on-site inspections around compliance with COVID regulations in the NSW aged care sector, including for locked down facilities, as has occurred in other jurisdictions?
- 13) On what date was the risk assessment undertaken that determined it was better not to send inspectors into Aged Care facilities or retirement villages to inspect COVID safety compliance? Please provide a copy of this risk assessment as well as the following details:
 - (a) When was this risk assessment completed?
 - (b) Who undertook that risk assessment?
- 14) How many requests for service has SafeWork received in relation to unsafe COVID WHS practices in Aged Care facilities or retirement villages?
 - (a) How many notifiable incidents has SafeWork received in relation to unsafe COVID WHS practices in Aged Care facilities or retirement villages?
- 15) How many of the desktop inspections undertaken by SafeWork into Aged Care facilities or retirement villages referred to at Budget Estimates were undertaken by SafeWork personnel?

- (a) How many of these were undertaken by SafeWork inspectors?
 - (b) Please provide a copy of the pro forma audit tool used in this process
- 16) How many of the desktop inspections undertaken by SafeWork into Aged Care facilities or retirement villages referred to at Budget Estimates were undertaken by Fair Trading personnel? How many of these desktop inspections were undertaken by Fair Trading inspectors?
- 17) How many of the desktop inspections undertaken by the Department of Customer Services referred to at Budget Estimates were solely looking at Covid WHS requirements such as PPE requirements for Aged Care facilities or retirement villages?
- (a) How is SafeWork able to ascertain that Aged Care facilities or retirement villages are complying with PPE WHS protocols, or PPE is properly fit tested through a desktop inspection?
- 18) Of the desktop inspections or audits referred to in Budget Estimates of Aged Care facilities or retirement villages, how many facilities were inspected or audited?
- (a) How many of these facilities have responded to the audit through emailing or writing to the regulator?

ANSWER:

- 9) SafeWork NSW provided guidance and advice to persons conducting a business or undertaking (PCBU's) and workers, including those in the aged care sector, on the requirements on the *Public Health Act 2010*, how these requirements interacted with work health and safety obligations relating to COVID-19, and released guidance materials for PCBUs with NSW Health on risk mitigation strategies in relation to COVID-19 in the workplace.

SafeWork NSW received 104 workplace incident notifications related to COVID-19 in the aged care sector. All of these requests were triaged for a non-field response – generally a response letter that contains education, compliance information, and the work health and safety requirements that were required to be met by the PCBU.

A summary of specific SafeWork NSW actions taken between January 2020 and June 2022 in relation to COVID-19 is provided below:

Action Type	Count of Action Type (COVID)
Policies checked	4
Non-field Response	4
Visit	3
Follow-up Visit	1
Visit Assist	1
Verification Field	1
Advice Provided External - Non Field	1

- 10) There is no obligation on PCBU's to proactively inform SafeWork NSW of their measures to mitigate the risk of COVID-19 in the workplace. However, relevant to the COVID-19 pandemic, SafeWork NSW expects employers to:

- review their exposure and infection control policies and procedures, actively promote social distancing, good hand and respiratory hygiene and ensure cleaning of common areas within the work environment
- develop and implement safe systems of work (in consultation with workers and/or their HSR's) that include directions and advice provided by our health authorities
- keep monitoring the COVID-19 situation as it develops; and
- continue to comply with statutory requirements including notifying SafeWork NSW of any work-related fatality, serious injury or illnesses (including COVID-19).

11) Refer to the answer to question 9.

12) In NSW, the enforcement of the *Public Health Act 2010* (Public Health Orders) was led by NSW Health as the lead agency for the COVID-19 pandemic response, including enforcement of the Public Health Orders. This was not the role of SafeWork NSW.

The Public Health Orders imposed restrictions on persons entering residential aged care facilities, with certain exceptions including in medical and other emergencies. SafeWork NSW did respond to incident notifications and emergencies during this period.

SafeWork NSW notes that other regulators hold shared responsibility for the regulation of infection prevention and control in the residential aged care sector, including the Aged Care Quality and Safety Commission (ACQSC). SafeWork NSW understands that the ACQSC undertook targeted infection control monitoring visits, including spot checks, in the majority of residential aged care facilities throughout 2020 and 2021.

13) A Hazard Identification, Risk assessment, Elimination, Control & Evaluation (HIRAECE) Action Plan was conducted on 29 September 2021 by SafeWork NSW. The Plan was last updated on 22 July 2022 and is **attached**.

(a) Refer to answer to question 13.

(b) Refer to answer to question 13.

14) SafeWork NSW received 53 requests for service (RFS) related to COVID-19 in residential aged care between January 2020 and June 2022 and 4 relating to COVID-19 in retirement villages.

(a) Aged Care: 104 workplace incidents and Retirement Villages: 8 workplace incidents.

15) The desktop inspections initially referred to at the Budget Estimates Hearing on 7 September 2022 related to Retirement Village inspections undertaken by NSW Fair Trading only. These inspections related to compliance with the *Retirement Villages Act 1999*. Further information provided at the Hearing was in relation to Aged Care facilities only.

Between January 2020 and June 2022, 48 desktop inspections were undertaken by SafeWork NSW into Aged Care facilities or Retirement Villages. All desktop inspections were undertaken by SafeWork personnel.

(a) Between January 2020 and June 2022, 44 desktop inspections of Aged Care facilities or retirement villages were undertaken by SafeWork NSW Inspectors

(b) There is no pro-forma audit tool.

16) Nil. In June 2022, NSW Fair Trading conducted 100 inspections of retirement villages (55 On-site and 45 Desktop). The inspections related to compliance with the *Retirement Villages Act 1999*.

- 17) 4.
- (a) In accordance with the National Compliance and Enforcement Policy, SafeWork NSW uses a mix of positive motivators, compliance monitoring and deterrents to encourage and secure the highest possible levels of compliance with work health and safety laws.
- 18) The desktop inspections referred to at the Budget Estimates Hearing related to Retirement Village Inspections undertaken by NSW Fair Trading only after a miscommunication occurred between the Committee and Witnesses. These inspections related to compliance with the Retirement Villages Act 1999. Further information provided at the Hearing was in relation to Aged Care facilities only.
- Between January 2020 and June 2022, 48 desktop inspections were undertaken (44 aged care facilities/4 retirement villages) in response to requests for service or incidents.
- (a) SafeWork NSW did not conduct an ‘audit’ program in residential aged care over this period. SafeWork NSW inspectors carry out workplace visits to enforce the Work Health and Safety Act 2011 (WHS Act), provide information and advice about compliance, and to carry out other inspector functions as prescribed in s 160 of the WHS Act. Apart from Major Hazard Facilities, SafeWork NSW does not conduct routinely audits at workplaces, as this may displace the PCBU duty to identify hazards and manage risks.
- SafeWork NSW received 104 COVID-19 exposure notifications from aged care providers during the period, all of which were responded to with an administrative letter. SafeWork NSW did not request a written reply to these letters.

SafeWork Inspectors

- 19) According to the 2021/22 Customer Service Annual Report for the financial year there were 37 authorised inspectors in Liquor and Gambling.
- (a) How many authorised inspector roles are there in Liquor and Gambling to date?
- (b) How many of these authorised inspector roles are filled?
- 20) According to the 2021/22 Customer Service Annual Report for the financial year there were 65 authorised inspectors in Fair Trading.
- (a) How many authorised inspector roles are there currently?
- (b) How many of these authorised inspector roles are filled?
- 21) According to the 2021/22 Customer Service Annual Report for the financial year there were 240 authorised inspectors in SafeWork NSW. How many authorised inspector roles are there in SafeWork to date?
- (a) How many of these authorised inspector roles are filled?
- 22) What is the total number of authorised inspector roles for the Department of Customer Services?
- (a) How many of these roles are currently filled?
- 23) How many inspector roles work only in the SafeWork Construction division?
- (a) How many of these roles are currently filled?
- 24) How many inspector roles are there in the hygiene and toxicology team?
- (a) How many of these roles are currently filled?

- 25) How many SafeWork NSW inspectors are authorised under Section 126 of the Public Health Act 2010?
- 26) How many SafeWork inspectors hold authority under the WHS Act and have been appointed to be a SafeWork inspector as of 9 September 2022?
- (a) How many of these positions are management positions?
- (b) How many of these positions are Directors?
- 27) How many SafeWork inspectors hold authority under the WHS Act and have been appointed to be a SafeWork inspector for a 20-year tenure?
- (a) How many SafeWork inspectors hold authority under the WHS Act and have been appointed to be a SafeWork inspector for a 15-year tenure?
- (b) How many SafeWork inspectors hold authority under the WHS Act and have been appointed to be a SafeWork inspector for a 10-year tenure?
- 28) How many SafeWork inspectors have tenure for the following:
- (a) 5 years?
- (b) 4 years?
- (c) 3 years?
- (d) 2 years?
- (e) 1 year?
- 29) How many Executive Directors and Directors are there for SafeWork NSW?
- (a) How many of these have a Diploma of Government Inspection?
- (b) How many of these have an Advanced Diploma of Government Inspection?
- 30) How many SafeWork NSW inspectors have an Advanced Diploma of Government Inspection?
- 31) How many Safework NSW Assistant State Inspectors are there?
- (a) How many have an Advanced Diploma of Government Inspection?
- 32) Is the SafeWork Governance and Appeals Unit still operating?
- (a) If not, what has replaced it?
- 33) How much money (including on contractors) has SafeWork spent on developing a new internal online Work Health and Safety Management System, including any online incident and hazard reporting system that SafeWork now uses?
- 34) Is the Work Health and Safety Management System that SafeWork now uses, a fully completed system?

ANSWER:

- 19) Liquor and Gaming NSW is within the Department of Enterprise Investment and Trade. This question should be directed to the Minister for Hospitality and Racing.

- 20) The data referred to in this question is from the 2020/21 Department of Customer Service Annual Report at page 23. The data relates to inspectors authorised under the NSW Public Health Orders.
- (a) Nil.
 - (b) Refer to the answer to question 20 (a).
- 21) Nil. The data referred to in this question is from the 2020/21 Department of Customer Service Annual Report at page 23. The data relates to inspectors authorised under the NSW Public Health Orders.
- (a) Refer to the answer to question 21.
- 22) No inspectors in the Department of Customer Service (DCS) Better Regulation Division (BRD) are currently authorised under the NSW Public Health Orders.
- (a) Refer to the answer to question 22.
- 23) The BRD Building and Construction Directorate has 89 inspector roles.
- (a) 79.
- 24) The BRD Hygiene and Toxicology Team has nine inspector roles.
- (a) Nine.
- 25) Nil.
- 26) 323
- (a) 36
 - (b) Directors are not appointed under the Crown Employees (Department of Customer Service – SafeWork NSW Inspectors 2007) Award and are not required to hold an Instrument of Appointment and Authorisation.
- 27) SafeWork NSW inspectors are not appointed on tenure. They are appointed under a 12- month probationary period, in which they must successfully complete the New Inspector Training Program. The program includes completing the Diploma of Government (Workplace Inspection). They are then appointed as ongoing employees.
- 28) Refer to the answer to question 27.
- 29) BRD has six Executive Director roles. Of these five have SafeWork NSW responsibilities as part of their role. There are eight dedicated SafeWork NSW Director roles. There are also a number of other Directors within the Better Regulation Division who provide both advice and support for both SafeWork and other regulators.
- (a) Executive Directors and Directors are not appointed under the Crown Employees (Department of Customer Service – SafeWork NSW Inspectors 2007) Award and are not required to hold an Instrument of Appointment and Authorisation.
 - (b) Nil.
- 30) Once appointed to an inspector role, inspectors have a 12 month probationary period to complete the Diploma of Government (Workplace Inspection). As at 15 September 2022, 51 SafeWork NSW Inspectors have attained their Advanced Diploma of Government (Workplace Inspection) through the SafeWork NSW Registered Training Organisation (RTO). SafeWork NSW does not have data on inspectors who may have attained the Advanced Diploma through another RTO.

- 31) There are 61 Assistant State Inspector positions with 9 vacancies as at 9 September 2022.
- (a) Assistant State Inspectors are required to hold 10 units of an Advanced Diploma of Government (Workplace Inspection).
- 32) The functions of the SafeWork Governance and Appeals Unit have been incorporated into the Better Regulation Division Reviewable Decisions Unit, which conducts reviews of all reviewable decisions administered by regulators within the Better Regulation Division.
- (a) Refer to the answer to question 32.
- 33) SafeWork has not spent any money developing the MySafety incident and reporting tool, which is utilised by all staff across the Department of Customer Service cluster.
- 34) Yes

Silicosis – Manufactured Stone

- 35) Does SafeWork NSW intend on publishing the information it has on importers of manufactured stone?
- 36) Does SafeWork NSW intend on publishing a list of sites for all manufactured stonework in NSW to enable it to be independently verified and allow doctors to determine whether the workplace of a worker they are assessing is known to SafeWork NSW?
- 37) How many onsite inspections of manufactured stone fabrication businesses were made in 2022?
- 38) How many onsite inspections of installation sites for manufactured stone were undertaken in 2022?
- (a) When SafeWork reported on installation site inspections to the 2021 Dust Disease Review previously, does this include construction sites?
- 39) For the SafeWork late 2020 program visiting 6 randomly selected high rise residential apartment sites to inspect benchtop installation practices, did SafeWork give notice of their intention to visit to the Principle Contractors of those sites?

ANSWER:

- 35) No. Information on importers has been obtained under section 155 of the *Work Health and Safety Act 2011* (WHS Act) and section 271 prevents the disclosure of information obtained under the WHS Act.
- 36) Information on manufactured stone workplaces in NSW was obtained under the WHS Act as part of a compliance program and section 271 prevents the disclosure of information obtained under the WHS Act.
- 37) 60 (as at 23 September 2022).
- 38) A verification program commenced in mid 2022 targeting installers of manufactured stone in both high rise and residential construction. As at 30 June 2022, 12 visits have been conducted with a target of 40 by the end of 2022.
- (a) Yes.
- 39) Yes. The Inspectors asked the Principal Contractor to advise who was installing and confirm the date and time when installation was being done at that site.

Silicosis

40) How many workers have silicosis from work at a quarry in NSW in the last 5 years?
41) How many workers have silicosis from tunnelling work in NSW in the last 5 years?
ANSWER:
40) SafeWork NSW does not this data as it does not have jurisdiction over quarries. The NSW Resources Regulator regulates work health and safety for quarries.
41) 21 (as at 23 September 2022).
Silica requests for service (RFS)
42) How many of the 102 requests for service which were silica related in 2021 had a physical inspection by SafeWork inspectors?
(a) How many of these were at installation settings?
(b) How many received a fine?
ANSWER:
42) In 2021, 92 silica related requests for service had a physical inspection by SafeWork inspectors.
(a) Four.
(b) Four.
Dry cutting
43) How many actual workplace visits have been initiated as a response to a referral or a report of dry cutting occurring?
44) On page 19 of the August 2022 Budget Estimates hearing transcript, Ms McCool states ‘there has been a lot more instances of not working below the exposure standard’. Given there were only 2 visits to installation settings from 2021 to 31 March 2022 as per the 2021 Review of the Dust Disease Scheme 2.82 ‘Responding to questions about inspections to installation sites, SafeWork NSW indicated there was one visit to a residential property where manufactured stone products were being installed in 2021, and one visit in 2022 (to date), with no notices issued’, (page 29). How is Ms McCool able to assert this?
45) How many requests for service with regard to silica did SafeWork receive in the last two years?
(a) How many of these requests for service were followed up by an inspector visit?
46) How many notifiable incidents did SafeWork receive in regard to silica in the last two years?
(a) How many of these notifiable incidents were followed up with an inspector visit?
47) How many Section 155 notices were issued to look at the manufactured stone supply chain in 2022 to date?
(a) 2021/22?
(b) 2020/21?
48) How many responses to Section 155 notices were received by SafeWork in 2022 to date?
(a) 2021/22?

(b) 2020/21?

49) In the August 2022 Budget Estimates hearing transcript, when Matthew Press refers to a three month blitz from January to March 'trying to make sure that we are doing those inspections for silica and dust on the construction site' (page 57), did this include the apartments referred to in Supplementary questions for the 2021 Dust Disease Inquiry?

(a) How many onsite visits by inspectors focused on silica and dust at construction sites have been undertaken for 2022, 2021, 2020?

(b) How many onsite visits by inspectors focused on silica and dust at foundry sites have been undertaken for 2022, 2021, 2020?

(c) How many onsite visits by inspectors focused on silica and dust at tunnelling sites have been undertaken for 2022, 2021, 2020?

ANSWER:

43) Between January 2020 and 19 September 2022, there were 53 Requests for Service (RFS) for dry cutting of engineered stone. 42 of these RFSs resulted in workplace visits by an inspector.

44) Page 19 of the Dust Diseases Scheme review September 2022 hearing transcript refers to two instances of dry cutting detected and where an on-the-spot fine had been issued. The information provided at Budget Estimates was sourced from SafeWork data.

45) 208 between 1 January 2021 and 21 September 2022.

(a) 153.

46) 188 (73 in 2020 and 115 in 2021).

(a) Two in 2020 and 11 in 2021. In 2020 & 2021, visits to workplaces were restricted due to Covid-19 lockdowns.

47) Four (as at 23 September 2022)

(a). Four.

(b) One.

48) Four (as at 23 September 2022).

(a) Four.

(b) One.

49) No.

(a) 2022: 413, 2021:84, 2020:146.

(b) 2022: nil, 2021: nil, 2020: 10.

(c) 2022: nil, 2021: 5, 2020: 12.

Air Monitoring

- 50) How many manufacture stone sites does SafeWork have dust exposure readings from in NSW?
- 51) How many reports of air monitoring has SafeWork received from stone manufacturers in the last two years?
- 52) How many infringement notices have SafeWork issued for air monitoring since March 2022?
- 53) How many manufactured stone sites have health and safety representatives (HSR's)?
- 54) How many HSR initiated requests for a review control measure have there been from the engineered stone industry?
- 55) How many air monitoring reports for tunnelling sites did SafeWork request or receive in 2020/21?
- (a) 2021/22?
- (b) 2022 to present?
- 56) How many air monitoring reports for quarrying sites did SafeWork request or receive in 2020/21?
- (a) 2021/22?
- (b) 2022 to present?

ANSWER:

- 50) 31.
- 51) Two. Note: PCBU's are not under any obligation to provide air monitoring reports to the WHS Regulator.
- 52) Nil.
- 53) 11. Noting the majority of manufactured stone workplaces are small businesses with other consultation arrangements in place. The WHS Act gives businesses and workers flexibility to determine which methods of consultation are most effective in their workplaces.
- 54) Nil.
- 55) Air monitoring reports for major infrastructure tunnelling sites are readily available on most sites and displayed on site notice boards. In addition, air monitoring reports can be requested by the regulator at any time. Where a request is made by SafeWork NSW for air monitoring reports, this request may be verbal or may be via a notice issued under either s 171 or s155 of the WHS Act.
- In 2020, 2021 and 2022 to date there were 5 notices issued by SafeWork NSW for tunnelling sites where air monitoring reports were not already made available.
- (a) Refer to answer to question 55.
- (b) Refer to answer to question 55.
- 56) SafeWork NSW does not regulate quarries and does not hold this data. The NSW Resources Regulator is responsible for quarries.
- (a) Refer to answer to question 56.
- (b) Refer to answer to question 56.

Screening for Silicosis

- 57) Does SafeWork intend to review its screening and health monitoring for workers exposed to crystalline silica as recommended by the 2021 Dust Disease report?
- 58) Given experts to the 2021 Review of the Dust Disease Scheme and the report outlined the serious shortcomings of the Golder proper case finding study to identify cases of silicosis in NSW, will SafeWork undertake a proactive report as was undertaken in Queensland?
- 59) Does SafeWork intend to amend the WHS Regulation 2017 to provide certainty that high resolution CT scans are the primary method of screening for workers exposed to respirable crystalline silica?
- 60) How many health monitoring reports have been received from manufactured stone sites in 2020/21?
- (a) 2021/22?
- (b) 2022 to date?
- 61) How many reports for adverse results have been received for 2020/21?
- (a) 2021/22
- (b) 2022 to date?
- 62) How many notices have SafeWork given for PCBU's not meeting health monitoring for works for 2020/21?
- (a) 2021/22?
- (b) 2022 to date?
- 63) How many notices have SafeWork given for PCBU's not meeting health monitoring obligations for silica exposure for 2020/21?
- (a) 2021/22?
- (b) 2022 to date?

ANSWER:

- 57) Screening and health monitoring services for workers exposed to silica are provided by icare. The NSW Government response to the 2021 Review of the Dust Diseases Scheme was tabled on 12 September 2022 and provides information on icare actions.
- 58) No. The case-finding study was externally peer-reviewed and met the requirements of section 176A of the *Work Health and Safety Act 2011*.
- 59) The Work Health and Safety Regulation 2017 is based on national model legislation. The regulatory impact assessment (RIA) process being led by Safe Work Australia is considering a number of regulatory and non-regulatory options to manage the risks of respirable crystalline silica (RCS) at work. Replacement of chest X-ray with low dose high resolution computerized tomography (HRCT) in the minimum requirements for health monitoring was considered by Safe Work Australia as part of the RIA. The RIA did not recommend that this option progress because:
- The model WHS regulations already allow for equal or better methods to be used for health monitoring

- It would remove the discretion of medical practitioners to determine the most appropriate method for carrying out or supervising health monitoring. Chest X-ray may be preferred where workers have lower levels of exposure to RCS and the risk of radiation exposure outweighs the benefits of HRCT; and
- The risk that the lack of availability of low dose HRCT in rural and regional Australia could delay or decrease monitoring.

60) 10.

(a) 14.

(b) 6 (as at 23 September 2022).

61) 73.

(a) 115.

(b) 65 (as at 23 September 2022).

62) 28 (as at 21 September 2022).

(a) 14.

(b) 5 (as at 19 September 2022).

63) 37 (as at 21 September 2022).

(a) 22.

(b) 7 (as at 19 September 2022).

Prosecutions

64) How many prosecutions has Safework NSW undertaken for the last ten years?

65) Please provide a breakdown by year.

66) How many of these prosecutions were successful?

67) Please provide a breakdown for how many requests for Category 1 or 2 offences Safework NSW received in 2022 to date?

(a) 2021/2022?

(b) 2020/2021?

(c) 2019/2020?

ANSWER:

64) 513.

65) 2012/2013 = 56.

2013/2014 = 44.

2014/2015 = 34.

2015/2016 = 50.

2016/2017 = 36.

2017/2018 = 47.

2018/2019 = 61.

2019/2020 = 67.

2020/2021 = 57.

2021/2022 = 61.

66) 429.

67) (a) 1 July 2021 - 30 June 2022 = 4.

(b). 1 July 2020 - 30 June 2021 = 4.

(c). 1 July 2019 - 30 June 2020 = 6.

Requests for service

68) How many requests for service did SafeWork receive in 2020/2021?

(a) 2021/2022?

(b) How many of these requests for service received an inspection by a SafeWork inspector?

(c) How many requests for service did SafeWork receive in 2022 so far?

(d) How many of these requests for service received an inspection by a SafeWork inspector?

ANSWER:

68) 12,594.

(a). 12,407.

(b). 2020/2021 - 5,336 and 2021/2022 - 3,940.

(c). 2,231.

(d). 792.

Notifiable Incidents

69) How many notifiable incidents did SafeWork receive in 2020/2021?

(a) 2021/2022?

(b) How many of these notifiable incidents received an inspection by a SafeWork inspector?

(c) How many notifiable incidents did SafeWork receive in 2022 so far?

(d) How many of these notifiable incidents received an inspection by a SafeWork inspector?

70) For 2021/22, how many improvement notices did SafeWork issue?

71) For 2021/22, how many prohibition notices did SafeWork issue?

ANSWER:

69) 7,213.

(a) 31,084.

(b) 2020/2021 - 1,363 and 2021/2022 - 1,151.

(c) 20,743.

(d) 937.

70) 8,095.

71) 2,216.

Penalty Notices

72) How many penalty notices did SafeWork issue for the last 15 years?

73) From 2020 to the present how many penalty notices did SafeWork issue?

(a) How many of these were COVID infringement notices?

74) Of the 520 penalty notices that SafeWork issued in 2020/21, how many of these were for COVID infringement notices?

ANSWER:

72) 5,887 between 1 January 2007 and 15 September 2022.

73) 1,406.

(a) 35.

74) Nil.

People Matter Survey

75) How many people in SafeWork completed the 2021/22 People Matters Survey for SafeWork?

(a) How many people in SafeWork completed the 2020/21 People Matters Survey for SafeWork?

76) How many people in the Investigation and Emergency Response Directorate completed the People Matters survey in the last 5 years?

(a) Please provide the total number of employees for this directorate for the same period.

77) How many people in the Incident Response and Enforceable Undertaking Directorate completed the People Matters Survey in the last 5 years?

(a) Please provide the total number of employees for this directorate for the same period.

78) How many SafeWork inspectors who hold authority under the WHS Act and have been appointed to be a SafeWork inspector to service the Sydney Metropolitan Area?

(a) How many are in Sydney Metropolitan Constructions?

- (b) How many in the Metropolitan Sydney area, not in Construction, have had a psychological injury workers compensation claim within the last 12 months?
- (c) How much has each claim cost?

ANSWER:

75) The 2022 PMES results are not yet available.

(a) All business units within the Better Regulation Division work across multiple regulators including Fair Trading and SafeWork NSW. The PMES Results are not separated by regulator.

76) 76 & 76(a)

2017 - The Investigations and Emergency Response directorate structure did not exist in 2017.

2018 - 44 expected with 43 responded (98%).

2019 - 46 expected with 45 responding (98%).

2020 - 49 expected with 45 Respondents (92%).

2021 - 54 expected with 53 Respondents (98%).

77) 77 & 77 (a) This information is not captured by the survey.

78) 235

(a) 56

(b) One

(c) The current total amount paid is \$27,815.41

Current Coronial Court NSW Newmarch House Inquiry

79) Can the Minister please advise if SafeWork NSW notified about work health and safety issues at Newmarch following an outbreak of Covid-19 at the site in 2020?

(a) If so, what issues were notified?

(b) What actions did SafeWork take in response to that notification?

(c) Why did SafeWork NSW decide not to send an inspector out to the site to ensure the safe systems of work were in place in relation to infection control procedures?

ANSWER:

79) SafeWork NSW was notified by Anglicare Newmarch House of a case of COVID-19 of a worker on 14 April 2020. SafeWork NSW also received a request for service on 30 April 2020 with allegations of work health and safety concerns at Newmarch House.

(a) Issues raised in the request for service were in relation to infection control, potential failure to notify SafeWork NSW of a notifiable incident, and concerns about PPE.

(b) SafeWork NSW completed an investigation into the allegations raised. They could not be substantiated and as a result SafeWork NSW took no further action.

(c) SafeWork NSW attended the worksite as part of the investigation.

Occupational Violence

80) Given the very high rates of occupational violence towards nurses (including 2 deaths of nurses in the last couple of years) can you advise of any prosecutions of hospitals in relation to Occupation Violence by SafeWork either current or in the past?

(a) If not, why not?

81) Did a SafeWork NSW inspector attend the site of the fatality of Sydney Local Health District mental health nurse, Stephen Douglas?

82) Did SafeWork investigate the death of mental health nurse Praween Maharaj who worked at Liverpool Mental Health?

ANSWER:

80) Two.

(a) Not applicable.

81) SafeWork NSW Inspectors attended Sydney Local Health District, Missenden Road, Camperdown (workplace).

82) Yes.

Family of injured workers support group

83) How many meetings have the Family of Injured Workers Support Group had since its inception?

ANSWER:

83) As at 14 September 2022, there have been eight meetings of the Family and Injured Workers Support Group since its inception in November 2020.

Workers Compensations claims

84) How many inspectors work in the Metro South division of SafeWork?

(a) How many of these inspectors have been on workers compensation for psychological injuries for 2020/21?

(b) How many of these inspectors have been on workers compensation for psychological injuries for 2021/22?

(c) How many of these inspectors have been on workers compensation for psychological injury in 2022?

85) How many Workers compensation claims (accepted and not accepted) have been received from NSW SafeWork inspectors in the last five years?

(a) How many of these were for bullying or psychological injury?

(b) What SafeWork team or department were they from?

ANSWER:

84) There are three teams dedicated to the Metro South area - Construction Metro South, WHS Metro South and Investigations Metro South. As at 27 September 2022, Metro South area has a total of

33 positions of which 31 are Inspectors.

- (a) There were no psychological claims submitted by Metro South Inspectors in 2020/21
- (b) One (1) psychological claim was lodged by an Inspector from Metro South in 2021/22. This employee has departed DCS, and claim is being finalised by Worker's Compensation insurer.
- (c) One (1) psychological claim was lodged by an Inspector from Metro South in 2022 (May) - this is the same claim as above and is being finalised.
- 85) (a) 16 claims were mental stress (psychological) related (three of these were BRD claims incorrectly lodged against the SafeWork NSW policy). In total 13 claims from SafeWork NSW .
- (b) The 13 psychological claims from SafeWork NSW were from the business units as listed below:
- Hazardous Chemical Facilities & Safety Management Audits
 - Director Reg South
 - WHS Prod Incentives
 - Investigations, Emergency Response
 - Metro Ops 1
 - Construction Service
 - WHS Western Sydney
 - Health & Return to Work
 - SafeWork Investigations & Emergency Response
 - North Coast, Operations Regional
 - SafeAudit, Intervention & Assurance
 - Construction - Metro South
 - Metro South

Improvement Notices

- 86) For the SafeWork NSW bullying improvement notice 7-387097 for the Department of Customer Services, how many extensions were requested for the compliance date?
- 87) What changes were undertaken by the Department of Customer Services as a result of this notice?

ANSWER:

- 86) Two.
- 87) Changes undertaken include:
- Grievance process overview placed on DCS Intranet to graphically illustrate to staff the pathways and support available for a grievance.
 - Internal People & Culture Grievance Assessment Support guide created and utilised by P&C case managers to record decisions made and support provided during management of a grievance.
 - Respectful Workplace Behaviours Policy and Guide created in consultation with staff and available for all staff on the DCS Intranet page.

Workplace Cultural Review

- 88) How much did the Independent Workplace Cultural Review into Systemic Cultural issues in the Metropolitan Operation and Sector Initiatives (MOSI) SafeWork NSW by Wendy Klassons cost?
- 89) Following the tabling of that review, what other work was Ms Wendy Klassons commissioned to undertake arising from that Report?
- 90) How much money did the additional work cost?
- 91) Why was the Independent Workplace Cultural Review into Systemic Cultural issues in the Metropolitan Operation and Sector Initiatives (MOSI) SafeWork NSW report not given in its entirety to health and safety representatives (HSR's) when requested?

ANSWER:

- 88) The Cultural Review for the Metropolitan Operation and Sector Initiatives was undertaken in 2019 at a cost of \$20,565.
- 89) The engagement was for the review and any follow up work as needed.
- 90) The total cost of the work that Wendy Klassons conducted as part of this review (including follow up work) is \$45,337.83.
- 91) There were instances where the entire report could not be provided without redaction, in order to uphold privacy.

Resource Regulator

- 92) How many matters have been referred from SafeWork to the Resource Regulator in the last 10 years?
- (a) Please provide a breakdown by year and by type of matter.
- 93) How many of referred complaints have been with regard to incidents of bullying in Safework?

ANSWER:

- 92) 18.
- (a)
- 2015 - Three bullying referrals.
- 2016 - Three bullying referrals and two requests for service.
- 2017 - Three requests for service and two notifiable incidents.
- 2018 - Nil.
- 2019 - One request for service, 1 bullying referral and one notifiable incident.
- 2020 - One provisional improvement notice and one bullying.
- 2021 - Nil.
- 93) Eight.

Procurement training for small business

- 94) How many businesses have registered for the four online training courses announced in October 2021 to help small businesses win Government tenders?
- (a) How many registered for the “Getting Business Ready” course?
 - i. How many completed the course and received a certificate of acknowledgement?
 - (b) How many registered for the “Finding Opportunities” course?
 - i. How many completed the course and received a certificate of acknowledgement?
 - (c) How many registered for the “Selling to Government” course?
 - i. How many completed the course and received a certificate of acknowledgement?
 - (d) How many registered for the “Successful Supplying” course?
 - i. How many completed the course and received a certificate of acknowledgement?
- 95) How many of the businesses that completed at least one of the online courses went on to win a government contract?
- 96) What was the total cost to set up the online courses?
- 97) What is the ongoing cost to run the courses?
- 98) Has feedback been obtained from business owners who completed the courses?
- (a) What was the outcome of the feedback?
 - (b) What were each of the courses rated by business owners?
- 99) What review or monitoring process is in place to ensure the courses are achieving their objectives of increasing the number of small businesses bidding for and winning Government contracts?

ANSWER:

- 94) 1,523 have registered.
- a) i. To date 245 participants have completed this module.
Participants receive ‘certificate of acknowledgement’ after completing all four modules.
 - b) i. 260 participants completed this module.
Participants receive ‘certificate of acknowledgement’ after completing all four modules.
 - c) i. 239 participants completed this module.
Participants receive ‘certificate of acknowledgement’ after completing all four modules.
 - d) i. 116 participants completed this module.
Participants receive ‘certificate of acknowledgement’ after completing all four modules.
- 95) This information is not currently available.

- 96) \$235,275.
- 97) \$82,500.
- 98) Yes. Feedback is obtained from participants after completing all four modules.
- a) and b) Evaluation feedback at the point of completion has provided the following feedback:
- 93% gave either 4 or 5 stars out of 5
 - 95% of participants strongly agreed or agreed they were able to register and access the learning with ease.
 - 97% of participants strongly agreed or agreed that the information provided will assist in developing a tender.
 - 98% of participants strongly agreed or agreed to refer the course to a colleague or friend.
- 99) A survey has been sent to all participants who have registered and/or completed all four modules. Results will be collated for analysis and review of the program.

Selling to NSW Government: A Guide for Small Business document

- 100) How many times has the “Selling to NSW Government: A Guide for Small Business” document been downloaded since it was released in October 2021?
- 101) What was the total cost to produce the guide?
- 102) How has the guide been promoted to small businesses?
- 103) Has feedback on the guide been obtained from business owners?
- (a) What was the outcome of the feedback?

ANSWER:

- 100) 1,177
- 101) \$47,465
- 102)
- NSW Small Business Commission website, Social Media including metro, regional, CALD campaigns.
 - Electronic direct mail (via NSW Small Business Commission, Buy.nsw, NSW Small Business Month, TAFE NSW, ServiceNSW for Business, Business Connect channels, Direct promotion at small business events).
 - Promotion of 11 pilot webinars and workshops.
- 103) Feedback on the guide is included in the survey currently underway.

Third-party contractors or consultancies

- 104) For every agency, department, or state-owned corporation within your portfolio, please provide the following:
- (a) A list of all third-party contractor or consultancies engaged in communications services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (b) A list of all third-party contractor or consultancies engaged in PR services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (c) A list of all third-party contractor or consultancies engaged in marketing services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (d) A list of all third-party contractor or consultancies engaged in Government relations or lobbying services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
 - (e) A list of all third-party contractor or consultancies engaged in industry or peak body membership, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

- (f) A list of all third-party contractor or consultancies engaged in policy or strategy development, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (g) A list of all third-party contractor or consultancies engaged in project management, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (h) A list of all third-party contractor or consultancies engaged in accounting and audit, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (i) A list of all third-party contractor or consultancies engaged in legal services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid
- (j) A list of all third-party contractor or consultancies engaged in any other services, including:
 - i. Contractor name,
 - ii. Contractor ABN,
 - iii. Service provided,
 - iv. Total cost paid

ANSWER:

104) (a) – (j)

Operating within the NSW Government Procurement Framework, the Department of Customer Service and its agencies primarily ascertain services through Whole of Government contracts and prequalification schemes.

Consultancy and employee related costs are included in Agency Financial Statements and disclosed in Agency Annual Reports in accordance with applicable government policies and procedures.

Project Remediate

- 105) How many buildings are registered for Project Remediate?
- (a) How many registered in 2019?
 - (b) How many registered in 2020?
 - (c) How many registered in 2021?
 - (d) How many registered this year?
- 106) How many owners' corporations have withdrawn from Project Remediate?
- (a) How many withdrew in 2020?
 - (b) How many withdrew in 2021?
 - (c) How many have withdrawn this year?
- 107) What is the status of the buildings registered for Project Remediate?
- (a) How many have had cladding removed?
 - (b) How many have had cladding partially removed?
 - i. How many are at the authority commence stage?
 - ii. How many have had a site investigation completed?
 - iii. How many have a preferred design in development?
 - iv. How many have contracts signed and are in the pre-construction stage?
 - v. How many have commenced remediation work?
 - vi. How many are post construction?
- 108) How many tenders have been awarded as part of the project?
- (a) How many are under contract?
 - (b) How many are in the field?
- 109) When did remediation work on the first building commence?
- (a) What is the postcode of the first building?
 - (b) When is remediation work expected to finish?
- 110) How many briefings on Project Remediate have you held for local councils?
- (a) How often do they occur?

(b) What information is provided to local councils in these briefings?

111) When was the Project Remediate pattern book released?

112) How is Project Remediate tracked?

ANSWER:

105) 227 eligible buildings have been registered for Project Remediate.

(a) None of these buildings were registered in 2019.

(b) None of these buildings were registered in 2020.

(c) 214 of these buildings were registered in 2021.

(d) 13 of these buildings were registered in 2022.

106) After registering interest, eligible owners corporations can participate in the review, investigation and design stages of Project Remediate without incurring costs or obligations. When a design has been fully developed, owners corporations are presented with the choice to formally opt in by entering into contracts to proceed. Three owners corporations have reached this point and none of these have opted not to proceed.

(a) Refer to the answer to question 106.

(b) Refer to the answer to question 106.

(c) Refer to the answer to question 106.

107) Refer to the answers below.

(a) As at September 2022, two buildings have had cladding removal works commence.

(b) As at September 2022, two buildings have had cladding removal works commence.

(i) As at September 2022, 15 buildings are at the 'authority to commence' stage, in which the managing contractor begins reviewing the building's documentation and arranging permission to carry out onsite investigation works.

(ii) As at September 2022, 93 buildings are in the site investigation stage. 69 buildings have had a site investigation completed.

(iii) As at September 2022, 32 buildings have a design or designs in development.

(iv) As at September 2022, no buildings are in the pre-construction stage.

(v) As at September 2022, two buildings have had remediation work commence.

(vi) As at September 2022, no buildings are in the post-construction stage.

108) The managing contractor for Project Remediate advises that as of 16 September 2022, 43 tender contracts had been awarded.

(a) Refer to the answer to question 108.

(b) The managing contractor for Project Remediate advises that, as at 16 September 2022, 14 tenders were open.

- 109) Remediation work on the first building commenced on 15 August 2022.
- (a) The postcode of the first building is 2008.
 - (b) Remediation work on the first building is expected to finish by mid-October 2022.
- 110) Approximately 6 briefings on Project Remediate have been held for local councils.
- (a) Briefings are scheduled as needed. On average, a briefing has been held once every four months.
 - (b) Briefings have typically provided updates on the development and rollout of the program, proposals and requests for feedback on how the program can work effectively with local government, updates from the Cladding Product Safety Panel, and similar topics.
- 111) 23 August 2022.
- 112) The managing contractor provides data and reports to the Office of Project Remediate to enable monitoring of all aspects of the delivery of the remediation program and engagement with participating owners corporations. The Loan Originator and Servicer also provides data and reports relating to the status of interest-free loans issued or under assessment.

Building Compliance Orders

- 113) How many building compliance orders have been issued since the RAB and DBP Act were introduced?
- (a) How many stop-work orders?
 - (b) How many prohibition orders?
 - (c) How many building work rectification orders?
 - (d) How many developer undertakings?
- 114) How many building compliance orders have been varied?
- (a) Which order was varied?
 - (b) When was the order issued?
 - (c) When was the order varied?
- 115) How many building compliance orders have been revoked?
- (a) Which orders were revoked?
 - (b) When was the order issued?
 - (c) When was the order revoked?
- 116) How many building compliance orders have had new conditions imposed?
- (a) Which orders have had a new condition imposed?
 - (b) When were these new conditions imposed?
 - (c) Was more than one new condition imposed?

ANSWER:

- 113) Refer to the responses provided in questions 113 (a) to (d).
- (a) 11 under the *Residential Apartment (Compliance and Enforcement Powers) Buildings Act 2020* and two under the *Design and Building Practitioners Act 2020*.
- (b) 21.
- (c) 29.
- (d) 2.
- 114) One
- (a) 9 Hassall Street, Parramatta.
- (b) 15 July 2021.
- (c) Varied on 25 February 2022.
- 115) 36
- (a) Refer to table below.
- (b) Refer to table below.
- (c) Refer to table below.

Address (of audited site)	Order Type	Issued To	Issue date	Status
112 High St, Mascot NSW 2020	Prohibition Order	Lynette Cheung	15/02/2021	Revoked 26/05/2021
112 High St, Mascot NSW 2020	Building Work Rectification Order	Lynette Cheung	15/02/2021	Revoked 26/05/2021
1 Lower Bent Street, Neutral Bay, NSW 2089	Prohibition Order	Hillsdale Rebel MH Bent Street Unit Trust	15/02/2021	Revoked 28/03/2021
1 Lower Bent Street, Neutral Bay, NSW 2089	Building Work Rectification Order	Hillsdale Rebel MH Bent Street Unit Trust	15/02/2021	Revoked 28/03/2021
1 Macintosh Street, Forster, NSW 2428	Prohibition Order	Mundarra Pty Ltd	15/02/2021	Revoked 04/03/2021
1 Macintosh Street, Forster, NSW 2428	Building Work Rectification Order	Mundarra Pty Ltd	15/02/2021	Revoked 04/03/2021
319 Liverpool Road Strathfield, NSW 2135	Stop Work Order	OandE developments Pty Ltd	27/01/2021	Revoked 19/05/2021
9 Actinotus Avenue, Caringbah, NSW 2229	Prohibition Order	Meeno Group Pty Ltd Nasser	30/09/2020	Revoked 23/12/2020
9 Actinotus Avenue, Caringbah, NSW 2229	Building Work Rectification Order	Meeno Group Pty Ltd Nasser	30/09/2020	Revoked 23/12/2020

Skyview, 51-53 Old Castle Hill Rd, Castle Hill	Prohibition Order	51 OCHR PTY LTD	15/06/2022	revoked 26/07/2021
1 Brushbox Street, Sydney Olympic Park	Building Work Rectification Order	Sydney Olympic Park Authority	22/07/2021	Revoked 14/07/2022
1 Brushbox Street, Sydney Olympic Park	Building Work Rectification Order	Australia Avenue Developments Pty Ltd	22/07/2021	Revoked 14/07/2022
1 Brushbox Street, Sydney Olympic Park	Building Work Rectification Order	IconCo (NSW) Pty Ltd	22/07/2021	Revoked 14/07/2022
20 Illawong Avenue, Tamarama	Prohibition Order	The Owners of Strata Plan 1731 (ABN 27 219 332 583)	16/12/2021	Revoked 28/07/2021
20 Illawong Avenue, Tamarama	Stop Work Order	The Owners of Strata Plan 1731 (ABN 27 219 332 583)	16/12/2021	Revoked 12/01/2022
417-419 Pacific Highway, Asquith	Prohibition Order	Asquith 79 Pty Ltd as trustee for Asquith 79 Unit Trust	9/06/2021	Revoked 24/01/2022
417-419 Pacific Highway, Asquith	Building Work Rectification Order	Asquith 79 Pty Ltd as trustee for Asquith 79 Unit Trust	9/06/2021	Revoked 24/01/2022
563 Gardeners Road, Mascot, NSW 2020	Prohibition Order	Fitz Jersey Pty Ltd	21/12/2020	Revoked 8/02/2022
563 Gardeners Road, Mascot, NSW 2020	Building Work Rectification Order	Fitz Jersey Pty Ltd	24/11/2020	Revoked 8/02/2022
141 A&B Belinda Street Gerringong	Prohibition Order	Pyramids Properties Pty Ltd	22/10/2021	Revoked 18/02/2022
141 A&B Belinda Street Gerringong	Building Work Rectification Order	Pyramids Properties Pty Ltd	22/10/2021	Revoked 18/02/2022
28 Menangle Street PICTON	Stop Work Order	Diggers Nest Pty Ltd	8/12/2021	Revoked 02/03/2022
15 Bourrool Lane Kiama	Building Work Rectification Order	K Two Developments Pty Ltd	9/02/2022	Revoked 22/03/2022
47 Thomson Street Kiama	Stop Work Order	Yifu Li Pty ltd	21.10.2021	Revoked 06/05/2022
47 Thomson Street Kiama	Stop Work Order	Saiyu Construction	21.10.2021	Revoked 06/05/2022
47 Thomson Street Kiama	Stop Work Order	Kiama 3 Pty Ltd	21.10.2021	Revoked 06/05/2022
47 Thomson Street Kiama	Stop Work Order	Auslin Group	21.10.2021	Revoked 06/05/2022
36 Clio Street Sutherland NSW 2232	Stop Work Order	Dekan Property Pty Ltd	18/02/2022	Revoked 12.05.22
259 Condamine St, Manly Vale	Prohibition Order	Atlas Capital & Equities Pty Ltd	20/07/2021	Revoked 14/07/2022
259 Condamine St, Manly Vale	Building Work Rectification Order	Atlas Capital & Equities Pty Ltd	20/07/2021	Revoked 14/07/2022

Ovation Quarter, 29 Carter Street, Lidcombe, NSW 2151	Building Work Rectification Order	Australia YMCI Pty Ltd	9/03/2021	Revoked 21/07/2022
28-30 Young Street / 29-31 Belmore Street, Wollongong NSW 2088	Stop Work Order	Wonderfield properties	2/09/2022	revoked 08/09/2022
505-507 Rocky Point Road, Sans Souci	Stop Work Order	Buildum Construction Pty Ltd	22/07/2022	revoked 25/07/2022
52 McFarlane Street, Merrylands, NSW	Stop Work Order	MN Builder Pty Limited	8/04/2022	revoked 04/07/2022
9 Hassall Street, Parramatta	Prohibition Order	Hassall Developments Pty Ltd	29/06/2021	revoked 06/07/2021
9 Hassall Street, Parramatta	Prohibition Order	Hassall Developments Pty Ltd	15/07/2021	revoked 22/07/2021

116) 5

- (a) Refer to table below.
- (b) Refer to table below.
- (c) Refer to table below.

Address (of audited site)	Order Type	Issued To	number of conditions	First date condition served
47 Thomson Street Kiama	Stop Work Order	Yifu Li Pty ltd	5	10/12/2021
47 Thomson Street Kiama	Stop Work Order	Saiyu Construction	5	10/12/2021
47 Thomson Street Kiama	Stop Work Order	Kiama 3 Pty Ltd	5	10/12/2021
47 Thomson Street Kiama	Stop Work Order	Auslin Group	5	10/12/2021
188 Spit Road Mosman 2088	Stop Work Order	ABH Building Group Pty Ltd	2	18/08/2022

ICIRT Rating System

117) How many builders have been rated?

- (a) How many have a rating of 5?
- (b) How many have a rating of 4?
- (c) How many have a rating of 3 or below?

118) How many developers have been rated?

- (a) How many have a rating of 5?
- (b) How many have a rating of 4?

(c) How many have a rating of 3 or below?

ANSWER:

117) This information is held by Equifax as they are the intellectual property holder being the independent rating agent.

118) This information is held by Equifax as they are the intellectual property holder being the independent rating agent.

Strata Hub

119) When modelling the registration charge for the Strata Hub, how did the Department come to the \$3 per lot amount?

120) Has the Department considered an upper limit to the per lot charge so that mega schemes are not contributing significant amounts of money?

121) What is the total estimated revenue that will be received by the NSW Government because of the Strata Hub registration charge?

(a) How will strata owners be assured that all accumulated funds are used for their benefit?

(b) Why has the Department not established a statutory account to hold this money?

122) Why does the Strata Hub not have a relevant section on embedded networks?

ANSWER:

119) The fee of \$3 per lot is a cost-recovery fee. The fee disperses annual estimated costs for the basic operation of the Strata Portal amongst all strata schemes. A consultation was held in 2021 from 18 October to 29 November. Through this consultation respondents indicated a per lot fee was preferred over a per scheme fee.

120) The Department did consider a model where payments of a fee to the Strata Portal are capped at a maximum value. This model would have had significant impacts on the cost-recovery approach.

121) Estimated total revenue depends on the number of overall strata schemes and lots. For the financial year 2023 it is estimated the revenue will be approximately \$2,877,000.

(a) The Strata Hub program adheres to comprehensive governance and financial reporting requirements. This will ensure that expenditure of the strata funds is accountable and transparent.

(b) The funds collected from strata portal fees are used to cover the costs of administering the strata portal. It is not necessary to establish a separate statutory account to do this.

122) The information collected in the first phase of the Strata Portal is basic information relating to the building(s) and management of the scheme. This forms part of the NSW Government's broader efforts to improve building compliance and support the health and safety of strata schemes. Later phases of the Strata Portal may collect additional information, to be determined in consultation with strata industry and communities. Introducing additional items of reported information would require an amendment to the Strata Schemes Management Regulation 2016.

Strata Schemes Management Act

123) The 5-year review of the Strata Schemes Management Act began in early 2020, when are Phase 1 reforms to commence?

124) When can we expect consultation on Phase 2 of the review?

ANSWER:

123) A draft Bill with phase one reforms has been developed and has been sent to targeted stakeholders for feedback, with feedback due in October 2022. The Bill is expected to be ready for introduction to Parliament in 2023, subject to Government and Parliamentary priorities. The Bill will likely start on assent except for the pet reforms to the community land management laws which are currently proposed to start on proclamation.

124) The development of the draft phase 2 Bill will likely involve targeted stakeholder consultation in 2022 and 2023, with a broader public consultation in 2023. The Department of Customer Service will continue to refine this phased approach, including assessing the appropriateness of including specific recommendations in each of the separate bills.

Strata Schemes Development Act

125) When will the requirement for dissenting owners to ‘act in good faith’ commence?

ANSWER:

125) Changes to require that owners in a strata renewal (including dissenting owners) act in good faith and disclose conflicts of interests are included in a draft Bill addressing the first phase of reforms arising from the strata statutory review (referred to in Q123). This Bill has been developed and provided to targeted stakeholders for feedback, with comments due in October 2022. The Bill is expected to be ready for introduction to Parliament in 2023, subject to Government and Parliamentary priorities, with these particular provisions proposed to start on assent.

Inspection and Re-certification

126) How many apartment buildings are 30 years old or more in NSW?

127) Will the Department consider introducing a mandatory inspection and re-certification of buildings when they reach 30 years old?

ANSWER:

126) The Department of Customer Service Better Regulation Division does not hold this information.

127) This reform is not currently under consideration.

Electric Vehicle Infrastructure in Apartment Buildings

128) When will any of the details of the Strata Electric Vehicle co-fund program be made available?

129) Why did the NSW Government focus on larger schemes when most owner-residents live in schemes of less than 100 households?

130) Can the Minister confirm that the entire \$10M dedicated to the Electric Vehicle co-funding program will be for existing strata buildings?

131) Was the Building Commissioner consulted by the Office of Energy about whether existing standards are adequate for the installation and ongoing safety of EV charging in internal car parks in residential (and presumably commercial) strata buildings?

ANSWER:

- 128) The Office of Energy and Climate Change in NSW Treasury has policy responsibility for the NSW Electric Vehicle destination charging grants. The question should be referred to the Treasurer and Minister for Energy.
- 129) Refer to the response to question 128.
- 130) Refer to the response to question 128.
- 131) The Office of the Building Commissioner was not consulted.

Building Policy

- 132) Beyond the Class 3 and 9c expansion of the Building Commissioner's oversight in the Draft Bills issued in early September for comment, does the government plan to expand this oversight to other classes of development?
- (a) If so, what is the timeframe?
- (b) Which classifications will be next?

ANSWER:

- 132) The NSW Government has previously indicated its intention to expand the application of the *Design and Building Practitioners Act 2020* and *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* to other classes of building under the National Construction Code beyond class 2 building.
- (a) The Government is currently consulting on the proposed expansion of these schemes to class 3 and 9c. The expansion to other classes of building will be considered as part of this consultation.
- (b) The expansion to other classes of building will be considered as part of the consultation.

Fair Trading resourcing

- 133) What is the average timeframe for the assessment of new certifier applications for registration by Fair Trading under the Building and Development Certifiers Act and Regulation?
- 134) What percentage of certifier renewals of registration have been processed within 30 days of lodgement of applications by Fair Trading under the Building and Development Certifiers Act and Regulation?
- 135) How many registrations of certifiers have been issued in NSW in the past 12 months by NSW Fair Trading under the Building and Development Certifiers Act and Regulation?
- 136) What levels/categories of registrations of certifiers have been issued in NSW in the past 12 months by NSW Fair Trading under the Building and Development Certifiers Act and Regulation?
- 137) How many assessment officers are in Fair Trading for the assessment of new certifier applications?
- 138) How many assessment officers are in Fair Trading for the assessment of applications for renewals of certifiers?
- 139) How many referrals have been made to the Fire Protection Accreditation Scheme by NSW Fair Trading in relation to complaints or issues with Accredited Fire safety designers or assessors?

ANSWER:

- 133) The average assessment timeframe for new applications determined between 13 September 2021 and 12 September 2022 was 102 business days. This time is inclusive of wait times where the application was deficient and NSW Fair Trading required information from the applicant.
- 134) Of the renewal applications determined between 13 September 2021 and 12 September 2022, 64 per cent were processed within 30 calendar days of lodgement. This time is inclusive of wait times where the application was deficient and NSW Fair Trading required information from the applicant. If an applicant pays the renewal fee before the expiry date, they are permitted to continue working until the renewal is determined.
- 135) Between 13 September 2021 and 12 September 2022, 152 new certifier registrations and 1,382 renewals were issued.
- 136) Between 13 September 2021 and 12 September 2022, NSW Fair Trading issued new individual certifier registrations in the following categories:
- Building Inspector
 - Building Surveyor - Restricted (all classes of building)
 - Building Surveyor - Restricted (class 1 and 10 buildings)
 - Building Surveyor - Unrestricted
 - Certifier - Acoustic
 - Certifier - Fire Safety
 - Certifier - Hydraulic (building)
 - Certifier - Hydraulic (specialty)
 - Certifier - Hydraulic (stormwater)
 - Certifier - Location of Works
 - Certifier - Road and Drainage
 - Certifier - Stormwater
 - Certifier – Strata
 - Certifier - Subdivision
 - Engineer Electrical
 - Engineer Mechanical
 - Engineer Structural
 - Engineer Geotechnical; and
 - Swimming Pool Inspector.

137)	Five officers are involved in assessing new certifier applications. These officers carry out a variety of tasks to administer the registration scheme and are not exclusively dedicated to assessing new applications.
138)	Three officers assess renewal applications for certifiers as part of their duties. These officers carry out a variety of tasks to administer the registration scheme and are not exclusively dedicated to assessing renewal applications.
139)	The Department of Customer Service BRD does not hold this information.
Registered Certifier Shortages	
140)	In regional areas, there are often shortages of registered certifiers both in local government and in private practice, is this something the Government is aware of?
141)	Is the Government doing anything to encourage more people to take up a career as a registered certifier?
142)	How many new registrations in the past 12 months?
143)	How many certifiers have resigned/cancelled their registration in the past 12 months?
144)	What are prospective registered certifiers to do in this situation when they cannot complete a requirement listed in the Building and Development Certifiers Regulation 2020 because it is no longer provided by RTOs?
145)	Why are specific courses listed in the Regulation when courses offered by RTOs are regularly changing?
ANSWER:	
140)	Yes.
141)	The NSW Government is working with certifier industry bodies, local councils and other industry stakeholders to identify opportunities to incentivise practitioners to develop capabilities to undertake certification work. On 5 September 2022, the NSW Department of Customer Service held a roundtable on opportunities to address affordability and coverage of professional indemnity in the construction industry, including for certifiers, to address the attractiveness of people to enter the profession.
142)	Between 13 September 2021 and 12 September 2022, 270 new registrations were granted under the <i>Building and Development Certifiers Act 2018</i> and the <i>Mutual Recognition Act 1992</i> .
143)	Between 13 September 2021 and 12 September 2022, 46 certifiers voluntarily surrendered or suspended their registration, and one (1) certifier had their registration cancelled.
144)	The NSW Government is currently reviewing training pathways throughout the building and construction industry as part of its broader review of NSW's building regulatory framework. This includes a proposal to allow certifier bodies operating under a professional standards scheme to undertake accreditation of certifiers who do not meet the qualification requirements prescribed under the Building and Development Certifiers Regulation 2020.
145)	Section 120 of the <i>Building and Development Certifiers Act 2020</i> provides that qualifications, skills and experience required to hold registration are to be prescribed in the Building and Development Certifiers Regulation 2020.
Professional Indemnity	
146)	Does the Department monitor the professional indemnity insurance market?

ANSWER:

- 146) Yes. The Department held a dedicated roundtable with industry stakeholders on professional indemnity insurance on 5 September 2022.

NSWFR Resourcing and Fire Engineering Reports

- 147) When will NSW Fire and Rescue be given the resources required to review all of the Fire Engineering Brief Questionnaires submitted by Fire Safety Engineers in NSW?
- 148) When will NSW Fire and Rescue be given the resources required to review all of the Fire Engineering Report referrals required by Clause 27 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021?
- 149) What Percentage of Fire Engineering Brief Questionnaire Referrals to NSW Fire and Rescue required by NCC Clause A2.2(4) are being reviewed?
- 150) What Percentage of Fire Engineering Brief Questionnaire Referrals to NSW Fire and Rescue required by NCC Clause A2.2(4) are being commented on?
- 151) What Percentage of Fire Engineering Brief Questionnaire Referrals to NSW Fire and Rescue required by NCC Clause A2.2(4) are not being reviewed due to resourcing issues?
- 152) What Percentage of Fire Engineering Report referrals under Clause 27 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 are being reviewed?
- 153) What Percentage of Fire Engineering Report referrals under Clause 27 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 are being commented on?
- 154) What Percentage of Fire Engineering Report referrals under Clause 27 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 are getting passed over due to lack of resourcing?
- 155) How much revenue was raised last FY from NSW Fire and Rescue from the commenting on Fire Engineering Brief Questionnaires as required by NCC Clause A2.2(4)?
- 156) How much revenue was raised last FY from NSW Fire and Rescue from Fire engineer report referrals by certifiers as required by Clause 27 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021?
- 157) How much revenue was raised last FY from NSW Fire and Rescue from undertaking inspections of buildings as required by Clause 50 and 51 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021?

ANSWER:

NSW Fire and Rescue has policy responsibility for the matters outlined in questions 147-157. These questions should be referred to the Minister for Emergency Services and Resilience.

Motor Trade Industry

- 158) What steps is the Department of Fair Trading taking to prevent the issue of licenses in NSW in the Automotive Industry based on interstate RTO's providing certification to students in Light Vehicle Mechanical Technology and Automotive Mechanical Diagnosis, when no on the job training has been provided as required?

- 159) How can the Department of Fair Trading properly police unscrupulous operators in the Motor Industry across the whole of New South Wales when the resources in the Automotive Unit are limited to 8 inspectors and 1 pool car?
- 160) How many consumer complaints does the Department of Fair Trading receive each year in respect to the Automotive Industry?
- (a) Is the Department properly resourced to deal with these complaints?
- 161) Will the Department of Fair Trading be harmonising the consumer protection regimes of the Motor Dealers & Repairers Act and the Australian Consumer Law in the forthcoming Bill?

ANSWER:

- 158) During the licence application assessment process, applications and supporting documents are assessed to ensure the requirements to hold the relevant licence are met.

If additional information is required to determine the application, NSW Fair Trading may issue a notice to the applicant under Section 14 of the *Licensing and Registration (Uniform Procedures) Act 2002* (the Act). The Act allows requests for additional information to be issued to applicants and enables applications to be refused where the requested information is not provided in the specified timeframe.

If breaches of the relevant legislation or issues around the registered training organisation are identified, the matter is considered for investigation.

- 159) The Automotive Services Team reports to a Manager role and has 19 employees comprising of:

- 1 x Senior Coordinator
- 1 x Senior Automotive Inspector
- 1 x Team Leader
- 9 x Automotive Inspectors
- 6 x Complaint Officers
- 1 x Business Support Officer.

One Inspector position is currently vacant and recruitment action is underway.

There are currently 2 dedicated vehicles available to 2 Inspectors. Each have dedicated vehicles in accordance with their former Motor Vehicle Repair Industry (MVRIA) Award. The remaining Inspectors have access to pool vehicles based on their location including, Parramatta, Dubbo, Newcastle and Wollongong.

A review of motor vehicles has been conducted. A total of 6 new vehicles are being purchased with appropriate manual handling and work, health and safety features. On supply, Automotive Inspectors will have a total of 8 purposed vehicles inclusive of the 2 dedicated vehicles under the MVRIA Award.

NSW Fair Trading regulates the *Motor Dealers and Repairers Act 2013* including the associated Regulation. The legislation sets out requirements and conditions for a NSW licence holder in the automotive industry, providing minimum compliance standards for adherence to business operations, including licensing requirements and conduct.

Fair Trading ensures compliance with the legislation by undertaking compliance programs

throughout the year. These programs are designed to address prominent areas of non-compliance to ensure the protection of NSW consumers.

In addition to its automotive inspectors, Fair Trading has 28 Consumer Protection Investigation positions and five motor dealer Investigator positions. Fair Trading utilises proactive campaigns to educate and ensure appropriate compliance under the legislation. However, if Fair Trading encounters compliance issues or consumer detriment, it will utilise its enforcement toolbox, which can include education, warnings, penalty notices, prosecution, or disciplinary action.

- 160) For the last three financial years, NSW Fair Trading has received the following number of complaints and enquiries about the Automotive Industry – inclusive of sales and repairs:

Financial Year	Complaints	Online Enquiries
2019-2020	6,164	3,189
2020-2021	5,312	3,475
2021-2022	3,648	3,178

NB: Telephone enquiries to Service NSW are excluded.

- (a) Yes.

- 161) The Department considered the harmonisation of the dealer guarantees and consumer guarantees as part of the Statutory Review of the *Motor Dealers and Repairers Act 2013*. The Review found that while the dealer guarantees are generally well understood by industry, providing a time limited right to remedy for motor vehicles, a review of their merit should occur if the protections under consumer guarantees under the Australian Consumer Law improved.

Since the time of the Review, the work at the national level to improve the consumer guarantees has still not progressed. Therefore, it is the Department's view that the dealer guarantees are still required.

Once the Commonwealth concludes the review of consumer guarantees, including a specific assessment of proposed reforms in their application to the purchase of a motor vehicle, then it may be appropriate to review the dealer guarantees against an improved consumer guarantee regime.

Motor Vehicle Repair Industry

- 162) Based on the information on the NSW Fair Trading website public register data there are 12,106 current Motor Vehicle Repairer Licences (MVRL) licence holders with 49,538 current Motor Vehicle Tradesperson Certificates (MVTC) tradesperson certificate holders. Can the Minister confirm the number of Auto Body or Smash Repair businesses that have closed in the last 5 years?
- 163) The data on the website indicates there are 3,545 Panel Beaters and 2,421 Vehicle Painters. With over 8 million vehicles on the road in NSW and an estimated 500,000 motor vehicle claims annually in NSW, what is the Government doing to address the shortage of workers in the auto body repair industry?
- 164) Have the number of consumer complaints increased or decreased for motor vehicle related complaints?
- 165) How many inspectors are currently employed by NSW Fair Trading?
- 166) What is the time frame for a consumer to have an inspector discuss the complaint with a consumer?

167) Why do Motor Vehicle Assessors not require a license?

168) Is the Minister aware the Suncorp Group have had Admin Officers carrying out assessments instead of qualified assessors as required under the Code?

ANSWER:

162) No.

163) TAFE NSW has policy responsibility for relevant training and skills. This question should be referred to the Minister for Skills and Training.

164) For the last three financial years, NSW Fair Trading has received the following number of complaints and enquiries about the Motor Vehicle Repair Industry:

Financial Year	Complaints	Enquiries
2019-2020	1,747	667
2020-2021	1,575	678
2021-2022	1,437	944

165) Refer to the answer to question 159.

166) Fair Trading records the average timeframe for handling complaints from receipt to closing of a matter. The average handling time for automotive services (repair industry) complaints for the past three financial years is:

Financial Year	Average Handling Time for Complaints
2019-2020	22 days
2020-2021	39 days
2021-2022	34 days

167) Motor vehicle insurance loss assessors (assessors) are not licensed in NSW or any other Australian jurisdiction. The Motor Vehicle Insurance and Repair Code of Conduct (MVIR Code), mandated in NSW for smash repairers and motor vehicle insurers, requires insurers to use 'Code Approved Assessors' who must, by no later than 12 months after commencing employment have:

- a trade qualification and minimum five years of post-apprenticeship experience in their profession as a panel beater, spray painter or motor mechanic; or
- more than five years' experience as an assessor; or
- completed the Code Administration Committee approved units of the Certificate IV Vehicle Loss Assessing Course or their equivalent in the AUR Training Package.

The Statutory Review of the *Motor Dealers and Repairers Act 2013* found the MVIR Code to be operating as intended and that the implementation of other regulatory approaches such as licensing assessors to be premature.

168) **No**

Toplace

- 169) Could the Building Commissioner please outline how many times he or his staff has inspected 42 Pemberton Ave, Botany?
- (a) What follow up action has the Commissioner or the Office of the Building Commissioner taken?
- (b) Has any action included orders?
- 170) Could the Building Commissioner please outline how many Toplace properties he or his staff has inspected?
- 171) Could the Building Commissioner please outline how many orders he or his staff has issued to Toplace properties?
- 172) Could the Building Commissioner please outline how many occupation certificate audits have been completed of Toplace developments?

ANSWER:

- 169) 3 visits by the Building Commissioner.
- (a) Referred to the local council for a check of fire safety in current state.
- (b) No orders have been issued.
- 170) The Toplace group of companies inspected are:
- Vicinity 11-15 Charles Street Canterbury; 51-53 Old Castle Hill Road Castle Hill
 - (Skyview); 299 Old Northern Road Castle Hill (Atmosphere); and
 - 16 Pemberton Botany (multiple buildings); 42 Pemberton Street Botany.
- 171) Prohibition Order: Atmosphere (occupied under Interim Occupation Certificate) at 299 Old Northern Road Castle Hill; and
- Building Work Rectification Orders (BWROs): Three BWROs at Vicinity 11-15 Charles Street Canterbury; Atmosphere at 299 Old Northern Road Castle Hill.
- 172) Two: Atmosphere 299 Old Northern Road Castle Hill and Vicinity 11-15 Charles Street Canterbury.

WHS Unit	Hazard Identification, Risk assessment, Elimination, Control & Evaluation “(HIRAECE) Action Plan”
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Original to be retained at the workplace level. Copy to be forwarded to line manager/supervisor and/or business unit manager for action.

Date:	22/7/22	Risk assessment no.:	6	Area/location:	NSW	Description:	Compliance monitoring & BAU inspections during COVID-19
Risk assessment team:	CDR – Health & Safe Design						

PART A: Identify Hazards and Assess Risks *(Refer to other hazard-specific checklists to assist in identifying specific hazards e.g. manual handling).*

1. Identify the Hazard Category and Risks:

PHYSICAL: Noise, light, temperature etc.

CHEMICAL: Hazardous substance, dangerous goods

MECHANICAL: Crush, entanglement, caught on

ELECTRICAL: Power points, equipment, cables

SLIP TRIPS FALLS: Falls from height or same level

CONFINED SPACE: vessels, pits and tanks

BIOLOGICAL: Hepatitis A&B, HIV, chicken pox

PSYCHOLOGICAL: Stress Violence & Aggression

FIRE/ EXPLOSION: Gas, combustible materials

WORKING AT HEIGHTS: Roofs, ladders, platforms

MANUAL HANDLING: Lifting, repetitive sprain, strain

NOTE: Some categories may require detailed risk assessments

Hazard / Risk No.	Category	Hazard	Risk / s	Risk score
1	Biological	Spread of COVID-19	Inspectors may contract and/or spread COVID-19 following site visits as part of COVID-19 deployments and/or BAU activities across NSW.	2
2	Psychological	Psychological impact of work	Psychological health impacts associated with undertaking COVID-19 related site visits.	4
3	Physical	Violence & aggressive behaviour	Inspectors subjected to violence and aggressive behaviour while in the field.	4

2. Assess the risks:

For each hazard identified think about:

a) How severely could it hurt someone or how ill it could make someone?

b) How likely is it to be that bad?

How severely could it hurt someone or how ill could it make someone?	How likely is it to be that bad?			
	++ Very likely could happen any time	+ Likely could happen sometime	- Unlikely could happen but very rarely	-- Very unlikely could happen but probably never will
Kill or cause permanent disability or ill health	1	1	2	3
!!! Long term illness or serious injury	1	2	3	4
!! Medical attention and several days off work	2	3	4	5
! First aid needed	3	4	5	6

The numbers show you how important it is to do something: 1.Top priority; Do something immediately. 6. Low priority: Do something when possible.

Next: Establish the order of priority. Review the risks and establish the order of priority as follows:

Priority Setting

Risk Level	Urgency of Action – Priority	Level of Management for Action	Reporting	Process
EXTREME (1)	Immediate action required	Deputy Secretary or equivalent	Secretary	Action plan and accountabilities
HIGH (2)	Action as soon as practicable	General Manager or equivalent	Deputy Secretary or equivalent	Action deadline & accountability
ELEVATED (3)	Action as soon as practicable	General Manager or equivalent	General Manager or equivalent	Management responsibility must be specified
MODERATE (4)	Action timetable must be specified	Manager or equivalent	General Manager or equivalent	Management responsibility must be specified
MINIMAL (5)	Action timetable must be specified	Manager or equivalent	General Manager or equivalent	Management responsibility must be specified
LOW (6)	Within routine procedures	As appropriate	Manager or equivalent	Manage by routine procedures

Action Required and Communication

Risks are to be escalated according to the above table. In addition, outstanding issues requiring Department-wide attention, including extreme and high risks, will be reported to the Senior Management WHS Advisory Committee, the Risk Management Committee and the Secretary.



If a hazard is assessed as having a high or extreme impact, you should consider calling on expert assistance. Support can be obtained from the following areas:

- Corporate Risk Services
- WHS Unit
- Business unit WHS professional

PART B: Elimination / Control Action Plan

To address the risks: **First ask: Can the risk/s be ELIMINATED?** Do we need to perform the task in the first place?

If we cannot ELIMINATE the hazard/risks however, then we must **CONTROL** the risks in order to reduce the risks to the lowest level possible. To do this: Follow the **Hierarchy of Controls** – do this in sequential order (as the controls at the top of the hierarchy are more effective than the ones at the bottom). However please know that more than one control measure is usually required in order to reduce the level of risk. Ask: **Can the hazard be SUBSTITUTED?** e.g. working with dangerous chemicals, is there a safer chemical that can be used? **ISOLATION: Can the hazard be contained within a specific area?** e.g. Removal of asbestos. **ENGINEERING: Can the equipment / area be re designed or modified?** e.g. is there appropriate ventilation in the area? **ADMINISTRATIVE: Can processes and procedures be used to reduce the likelihood of injury / illness?** e.g. conducting risk assessments, safe work practices, attending training, developing policies. Last is **PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING (PPEC):** e.g. hard hats, gloves, ear plugs)

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
1	<p>Site Visits</p> <ul style="list-style-type: none"> • Managers, in consultation with the relevant Director (<i>if necessary</i>), must: <ul style="list-style-type: none"> ○ consider the appropriate response to business-as-usual (BAU) work where site visits need to be undertaken; and, ○ continue to monitor the changing public health situation and determine whether site visits remain an appropriate response. • The CDR Executive Team, Managers, Inspectors and Compliance Officers must monitor internal communications from the Crisis Controller and have due regard to NSW Health advice when considering whether site visits generally should proceed. 	2	All staff	Prior to any site visit occurring, apart from those as part of COVID-19 compliance inspections.	Continued assessment of changing COVID-19 situation and ongoing consultation with NSW Health on the risks and risk mitigation strategies	3		

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • Where an assessment has indicated a high level of COVID-19 related risk attached to a field based site visit that cannot be adequately managed through appropriate controls, preference should be given to either delaying the visit or conducting a remote engagement or verification. • Where it is not possible to conduct such an assessment until arrival at the site and upon arrival it is apparent that COVID-19 controls at the site are inadequate, the site visit should cease. <p>Where a site visit has been deemed a necessary and appropriate response, the below controls should be adhered to:</p> <p>Vaccination as a control</p> <ul style="list-style-type: none"> • Maintaining up to date COVID-19 vaccination status is recommended and encouraged for all staff. What is considered up to date will depend on age and health factors. • If staff have had COVID-19, the Federal Health advice is to wait at least 3 months before getting the next dose. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<p>Testing and isolation as a control</p> <ul style="list-style-type: none"> • Rapid antigen tests (RATs) are available for inspectors, either by collection from 4PSQ or by purchase on an inspectors P-Card. RATs provided by DCS may only be used by inspectors that become aware of a COVID-19 exposure or are displaying symptoms and need to undertake work duties outside of their home (such as site visits). • Asymptomatic inspectors should apply the NSW Health risk framework for exposure. • If an inspector resides with someone who has tested positive for COVID-19, the NSW Health guidance must be followed. • Inspectors must notify their manager if they are required to isolate and are unable to complete their duties as a result. As an optional control, inspectors may seek PCR testing in accordance with the prevailing advice on testing from NSW Health. • Inspectors awaiting a test result must isolate until the outcome is known. Where Inspectors are displaying symptoms they should not undertake site visits until a negative PCR test result is received. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • Managers or people leaders advised of a positive test result should refer to the DCS Policy Operational steps required to manage/support a team member who has COVID-19 for guidance and requirements around support and reporting. <p>Pre-deployment assessments as a control</p> <ul style="list-style-type: none"> • For each proposed site visit or deployment: <ul style="list-style-type: none"> ○ an ongoing assessment is to be undertaken by the relevant Manager, in consultation with their Director (<i>if necessary</i>), as to the level of risk presented by the activity; and, ○ if that assessment determines that the site visit/s or program of work present a very high or extreme risk, the deployment should not proceed without consideration of additional controls. • For deployments, staff undergo training (briefing/information session) prior to undertaking site visits. The training must outline the visit protocol and the known risks and controls associated with the spread of COVID-19 relevant to the project. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • As part of the training, for all field project visits, a briefing will be provided to all staff being deployed, including relevant reminders around the controls in this risk assessment. • Surgical masks remain recommended for people working in community settings which includes verification activities. Inspectors can however choose to wear P2/N95 equivalent masks – refer to additional optional controls below. • Symptoms of COVID-19 may include fever, cough, runny nose, shortness of breath and other flu-like symptoms. In more severe cases, an infection can cause pneumonia with severe acute respiratory distress. Staff must self-isolate if they are unwell or have been in close contact with someone with COVID-19. Staff are reminded that some people may be asymptomatic and still carry or spread the virus – therefore controls must be in place for ALL interactions. • Maintain physical distancing of 1.5 metres at all times that it is possible to do so. • Staff should wear masks where 1.5 metres distance cannot be maintained during site visits and related interactions. Masks can be worn at all times if staff choose to do so. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<p>General controls</p> <ul style="list-style-type: none"> • When on site, restrict your movements in the workplace to the bare minimum required. • Obtain the name and contact details for the individual/s engaged with on site. • If the workplace is noisy, attempt to move the discussion to a quiet area (rather than moving closer together to be heard / to be able to hear) to enable physical distancing to be maintained. • Consider whether the site is adequately ventilated and the number of persons present at the site. • Staff are encouraged to download and utilise the Federal Government COVIDSafe app. • NSW Government Public Health Orders (PHO) and health alerts will be monitored, and the risk assessment will be revised where necessary. • If an inspector is contacted by NSW Health and notified that they have attended an exposure site, that inspector must notify their manager immediately or as soon as practicable. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • A message is also to be included in briefings, de-briefings and training sessions as a reminder that inspectors can advise their manager of any change in personal circumstances that may preclude them from undertaking COVID compliance inspection activity. <p>Controls around deployments</p> <ul style="list-style-type: none"> • Each deployment will be appropriately assessed by the relevant manager prior to deployment. If it is determined during that assessment and agreed that the circumstances present a very high or extreme risk, the deployment should not proceed without consideration of additional controls. <p>Hygiene & distancing controls</p> <ul style="list-style-type: none"> • Maintain physical distancing of 1.5 metres at all times that it is possible to do so. • Staff should wear masks where 1.5 metres distance cannot be maintained during site visits and related interactions. Masks can be worn at all times if staff choose to do so. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • Where possible, minimise time spent indoors and undertake engagements outside where appropriate. • Practice good hygiene, in accordance with advice provided by NSW Health from time to time. • Regularly wash hands (for at least 20 seconds) e.g. prior to and after each site visit. • Regularly use alcohol-based hand sanitisers e.g. prior to and after each site visit. • Avoid touching your face. • Avoid shaking hands. • Avoid touching surfaces or objects • Avoid physically obtaining evidence or sharing items e.g., plans, pens, tablets, etc, if possible. • If not wearing a mask, cover your coughs and sneezes with your elbow or a tissue. • Dispose of tissues into the bin immediately. • Obtain evidence electronically, email or taking photos etc. However, if evidence can only be physically obtained, ensure appropriate hand hygiene after handling the documents (see above). 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • Sanitise hands prior to, and after, touching your mask, your equipment, or entering your vehicle • When handling masks for removal, prepare a zip-lock bag, remove by ear loops/straps and place in bag. Sanitise hands again prior to touching your face, your equipment or entering your vehicle. • Assume that all surfaces are contaminated. If you have handled a surface, sanitise your hands before touching your face, your vehicle and your equipment. • Regularly sanitise your equipment and vehicle using disinfectant wipes. <p>Optional additional controls</p> <p>Staff may wish to adopt the following additional controls:</p> <ul style="list-style-type: none"> • Wear P2/N95 equivalent masks in circumstances where they determine that a specific workplace may present a higher risk, if the inspector falls into a higher risk group or if the inspector prefers to. These may be provided through existing stock at office locations or purchased as needed using a PCard. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • Wear eye protection (such as safety glasses) during inspections. These may be purchased as needed using a PCard. <p>PPE provided as a control</p> <p>Staff will be provided with (or may purchase on a PCard, as needed:</p> <ul style="list-style-type: none"> • Alcohol-based hand sanitiser. • Tissues. • Approved face masks (either surgical or P2/N95 as per points above). Fit testing is also available for staff using P2/N95 masks. • Disinfectant wipes to clean shared devices and other items. • Eye protection. • Managers are to routinely contact their staff to check in e.g. RUOK? • Staff members who feel uncomfortable conducting the visits should raise these concerns with their managers, including if they (or others they interact with) are vulnerable persons. • Employee assistance program (EAP) is available to support mental health and wellbeing – check the DCS Intranet or call 1300 360 364. • Staff are encouraged to report any health concerns to their Manager. 							

Hazard / Risk no.	Elimination / OR Short-term control strategy	Risk score	Who	Due	Medium-long term control strategy	Residual risk score	Reassess & sign off	Date Completed
	<ul style="list-style-type: none"> • Designated breaks (Meal break after 4 hours of work & tea breaks as required). • Reminders about the availability of mental health resourcing, including EAP, will be included in briefings, de-briefings and training sessions relating to the COVID-19 compliance inspection activity • If safe to remain in the situation: <ul style="list-style-type: none"> - attempt to de-escalate - use calm verbal and non-verbal communication and avoid any language or behaviour that could incite further violence or aggression - seek support from another staff member - advise your Manager and consider if a hazard report is required. • Where determined that the situation puts a staff member at risk: <ul style="list-style-type: none"> - retreat to a safe location immediately - make all reasonable efforts to ensure the safety of yourself and others, and seek help - if the situation involves serious threats or acts of violence or aggression or spitting, call the police emergency number 000 and contact your Manager. - Lodge an incident report at first available opportunity. 							

Next: sign the HIRAECE Action Plan:

Management representative	Matt Press		19 August 2022
	Executive Director, Compliance & Dispute Resolution	_____	
		(Signature)	(Date)
Risk assessment team leader	Jim Kelly		19 August 2022
	Director, Health & Safe Design	_____	
		(Signature)	(Date)
WHS Advisor (extreme risk only)	Atefeh Soltani		
	Manager, Safety & Wellbeing	_____	
		(Signature)	(Date)

Note: All risk assessments must be regularly reviewed and monitored to identify hazards and risks and to ensure that corrective actions have been implemented and continue to be effective. The *WHS Risk Register WHSMS 2.001C* must be completed and regularly updated for this purpose.

This Risk Assessment was amended following consultation and feedback received from Health & Safety Representatives and members of the PSA Safety Inspectors Vocational Group since Tuesday 6 July 2021. The initial Risk Assessment was developed in early 2020 to assess and manage the risks associated with BRD Inspectors and Compliance Officers undertaking COVID-19 compliance, and was subject to similar consultation previously. The Risk Assessment has always been treated as a live document due to the changing COVID conditions and this iteration incorporates the emergence of the new Delta COVID-19 strains.