

The Hon Greg Donnelly MLC
Chair
Standing Committee on Law and Justice
By email: law@parliament.nsw.gov.au

Re: 2024 Review of the Dust Diseases scheme

Dear Chair

I would like to thank the Standing Committee on Law and Justice for inviting SafeWork NSW to appear at public hearing of 29 November 2024 in relation to its 2024 Review of the Dust Diseases scheme (the Review). The Committee's important work assists SafeWork NSW to develop a deeper understanding of dust diseases in NSW and identify areas for meaningful improvement.

I acknowledge the issues raised in written submissions to the Review and during witness testimony at the public hearings. It is my hope that by providing the **attached** responses to the questions taken on notice and the Committee's supplementary questions, that we can support the formulation of recommendations to address our shared goal of reducing and eliminating exposure to hazardous dusts such as respirable crystalline silica.

In addition to the responses to questions on notice and supplementary questions, I would like to take the opportunity to provide further information regarding certain matters discussed during the hearing of 29 November 2024.

I note that there was a particular focus during the hearing on matters related to transparency, particularly in relation to the ability of SafeWork NSW to release air monitoring results received under notice due to the operation of Section 271 of the *Work Health and Safety Act 2011* (the Act).

In that regard, I confirm that we will continue to work through this issue and consider how information may be more readily available to workers and their representatives within the current legislative framework. With respect to the operation of Section 271 of the Act, we are also broadly considering opportunities for improved transparency through the proactive release of relevant information for the benefit of workers and the wider community.

I also note that other jurisdictions have implemented specific legislation, outside of the nationally harmonised model work, health and safety laws, to address these issues. Queensland and South Australia (SA) have both implemented amendments to Section 271 to allow for the provision of information obtained under notice in certain circumstances, for example, to enforce compliance with the Act, to share with a corresponding regulator or to comply with other prescribed legislation. It is further noted that SA has specific provisions related to the sharing of information with family

members of injured workers. SafeWork NSW is currently considering the operation of these frameworks within these respective jurisdictions and, taking into consideration the evidence provided to the Committee, would welcome a recommendation from the Committee in this regard.

I can also confirm that SafeWork NSW has followed up on all 36 notifications of exceedances of the workplace exposure standard (WES) discussed during the hearing. All tunnels that reported WES exceedances have been inspected as part of routine compliance activity over the past three months. Combined silica compliance and infrastructure inspections were also carried out in relation to four tunnels under construction as part of a dedicated SafeWork NSW silica program. To further support this important work, we are progressing work to expedite the Tunnelling Code of Practice, and I can confirm that invitations will be sent to establish the appropriate working group to meet as a priority in early 2025.

Finally, I would like to provide clarification with respect to my testimony of 29 November 2024 as captured on page 53, paragraph 8 of the transcript. While it was stated that it is a new requirement from 1 September 2024 to provide information [air monitoring results] to workers under the Work Health and Safety Regulation 2017 (WHS Regulation), I would like to clarify that the requirements to conduct air monitoring and provide that information to workers has been a requirement under the WHS Regulation since its inception in 2011. Rather, from 1 September 2024, exceedances of the WES (which air monitoring is required to test for) must now be reported to SafeWork NSW.

I trust the further responses are of assistance to you and look forward to receiving the recommendations of the Committee. If you would like more information, or a more detailed briefing on the progress of SafeWork NSW towards becoming a standalone agency, please do not hesitate to contact me at

Yours sincerely,

Trent Curtin
A/Deputy Secretary
SafeWork NSW

2024 REVIEW OF THE DUST DISEASES SCHEME

Friday 29 November 2024

Responses to Questions taken on Notice

Question	Division
<p>Ms ABIGAIL BOYD: I wanted to test this issue around the GIPAA and the evidence that the AWU was talking about this morning. My understanding, and what you've just said in your opening statement as well, is that there's a threshold. Once you've obtained information through a notice, you are then obliged under the Act, effectively, to not release that information unless the PCBU has given some approval for that. Does that then mean that SafeWork has never issued under a GIPAA information it has obtained through a notice without the consent of the PCBU? Has there even been an exception made, or is it just not possible?</p> <p>TRENT CURTIN: The requirements under GIPAA start with a premise to release the information that we've got, except where there are concerns in the public interest in relation to secrecy or confidentiality of information. Section 271 of the Work Health and Safety Act provides for those confidentiality clauses. That provides that where SafeWork has issued notices to obtain information from PCBUs, that information is protected by those confidentiality clauses. In this case, the assessor has gone through a range of tests to determine whether the information can be released. Given that these details were obtained under notice, the section 271 confidentiality provisions applied. That would allow them then to consult with the PCBUs that provided the information to obtain consent to release the information, and that consent was not given in this case. Therefore, the determination was made, based predominantly on section 271, that those details wouldn't be released in this particular matter. I would have to take on notice your question as to whether we have never done that.</p> <p>Ms ABIGAIL BOYD: That would be very helpful.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>SafeWork NSW decides each application received under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act) in accordance with the provisions of the GIPA Act. Each application is decided on merit, subject to the application of the public interest test, and access to information is only restricted where there is an overriding public interest against disclosure.</p> <p>The SafeWork NSW Records Management System (TRIM) does not support the reporting of individual instances where information may have been released without the consent of a person conducting a business or undertaking (PCBU).</p>	
<p>Ms ABIGAIL BOYD: I have one last question on that issue. If it looked like one of the reasons that the company didn't want the information to be released is that it could be prejudicial, does that imply then that information has been given to SafeWork that SafeWork should have acted on, and have you acted on the information that was given to you by those companies?</p> <p>TRENT CURTIN: That set of information was obtained by SafeWork under notice, as I understand, for the purpose of undertaking compliance activities.</p> <p>The Hon. ANTHONY D'ADAM: Can I pick up on that? It seems odd. The union makes a GIPAA; they want the information presumably on behalf of the workers. You go back to the company and the company says no because you obtained it under notice. Doesn't that trigger to SafeWork a suggestion that they're not providing information to the workers and that you should actually be initiating some form of compliance activity? Did you do that?</p>	<p>SafeWork NSW</p>

<p>TRENT CURTIN: I can't say. I'd have to take on notice in this case whether we initiated a compliance activity. This was part of a compliance activity process, in any case, where we were seeking information from the PCBU to make determinations on compliance.</p>	
<p>ANSWER</p> <p>In relation to the application under the GIPA Act referred to by the Committee, no proactive compliance activity was triggered on receipt of the application.</p> <p>In response to concerns raised in the media, SafeWork NSW raised a request for service in relation to this matter.</p> <p>SafeWork NSW encourages any person who has concerns about non-compliance with the <i>Work Health and Safety Act 2011</i> (WHS Act) or Work Health and Safety Regulation 2017 (WHS Regulation) to lodge a request for service with SafeWork NSW via 13 10 50 or via the Speak Up Saves Lives app.</p>	
<p>Ms ABIGAIL BOYD: What happens with exceedances? Sorry, that's just a basic question. If there are a number of exceedances, at what point is a penalty imposed? What happens? At the moment, you're getting notified of exceedances, correct?</p> <p>TRENT CURTIN: Correct.</p> <p>Ms ABIGAIL BOYD: How many have you received since the scheme went live?</p> <p>TRENT CURTIN: We've received 36 since 1 September.</p> <p>Ms ABIGAIL BOYD: Of those 36 exceedances, how many of them are in tunnelling?</p> <p>TRENT CURTIN: I would have to check.</p> <p>AKLESH NAND: We don't have the breakdown with us, but we can take that on notice.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>Of the 36 exceedances notified to SafeWork NSW, a total of 26 relate to tunnelling activity.</p> <p>SafeWork NSW has undertaken proactive verification work regarding workplace exposure standard (WES) exceedance notifications, including email follow-up to all PCBUs that have made such notifications.</p>	
<p>Ms ABIGAIL BOYD: So if there has been an exceedance, you get told about it. And if, for example, you went in and there had been a blatant case of not using the appropriate technology or something to manage the filtration—I don't know how it works—then that might lead to a penalty, but in most cases it would just be— would it just be advice, in terms of "You need to do a bit more of this"?</p> <p>TRENT CURTIN: It could involve advice. But usually, if there has been a breach, it could involve the issuing of an improvement notice. If there's an imminent threat, it could result in a prohibition notice or it could result in a penalty notice. There's a whole range of regulatory tools available to us in terms of undertaking—</p> <p>Ms ABIGAIL BOYD: How many penalty notices have been issued in relation to tunnelling and exposure?</p> <p>TRENT CURTIN: I don't have that breakdown with us here today. We'd have to take that on notice, specifically.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>No penalty notices have been issued by SafeWork NSW in relation to WES exceedance notifications.</p>	

<p>SafeWork NSW is only empowered to issue penalty notices where there is evidence that an offence under the WHS Act or WHS Regulation has been committed. An exceedance does not automatically constitute a contravention of the WHS Act or WHS Regulation.</p> <p>In relation to reported exceedances, it is noted that WES exceedance notifications indicate atmospheric levels above the exposure standard only. They do not indicate that a worker has been subject to risk or harm from exposure, as the WES exceedance notification does not consider any assessment or exposure reductions from additional controls used by the workplace.</p>	
<p>The Hon. SUSAN CARTER: Thank you. I think we're focusing on enforcement and I would think that a PCBU who had a pattern of exceedances would be highly relevant for enforcement. Of the 36 notifications, how many improvement notices have been issued? TRENT CURTIN: I would have to look into that. I don't know that there's been any improvement notices at this point in time in relation to those 36 exceedances. We're in the process of undertaking compliance inspections to check against those.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>No improvement notices have been issued in relation to any of the 36 notifications of WES exceedances to SafeWork NSW. However, 1 improvement notice has been issued following an inspection that included consideration of WES exceedances. Further inquiries in relation to this matter are underway.</p>	
<p>The Hon. SUSAN CARTER: You're notified on 1 September. We're sitting here on 29 November. Has there been a compliance inspection from a 1 September notification? TRENT CURTIN: We have been in tunnels between 1 September and today. I'd have to get details on exactly when that's occurred. But we have had inspectors— The Hon. SUSAN CARTER: Have you had a completed compliance process in relation to any of the exceedances that have been notified since 1 September? TRENT CURTIN: I would have to check because— The Hon. SUSAN CARTER: If you could, thank you.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>SafeWork NSW has followed up on all 36 exceedance notifications. All tunnels that reported WES exceedances have been inspected as part of routine compliance activity over the past three months. Combined silica compliance and infrastructure inspections were also carried out in relation to four tunnels under construction as part of a dedicated SafeWork NSW silica program.</p> <p>All exceedance notifications relating to tunnelling were followed up by SafeWork NSW via email to the responsible PCBUs for desktop verification. Seven desktop verifications have been completed with the remaining subject to further inquiries and review. Of those completed, all PCBUs reported that they have appropriate mechanisms in place for advising workers of exceedances, including placing results on noticeboards, toolbox talks and pre-start meetings, direct emails to workers, incident reviews with workers based on the WES exceedance, and Safe Work Method Statement reviews and reinduction. All PCBUs also confirmed that they have systems in place to monitor exceedances and control any risk of exposure.</p>	
<p>Ms ABIGAIL BOYD: It's difficult because we're hearing that, yes, SafeWork is taking it very seriously, this is an issue that you're now aware of and we think that it's probably better these days than it used to be, but then we have this live data: We have 36 instances. Where are they? What you're telling us here is that you haven't found that out.</p>	<p>SafeWork NSW</p>

<p>That's quite concerning. Can we get on notice, then, some data around what the 36 are, how many are in tunnelling and how many are repeat offenders?</p> <p>TRENT CURTIN: Yes.</p> <p>The Hon. ROD ROBERTS: To that, let's be a bit more bespoke because that's exactly what my next question is. You've told us that, since 1 September to today's date, there have been 36 notifications. Can you then, on notice, identify each and every one of those 36 notifications, the dates they were received, the dates they were first actioned, what action has been taken so far and where the sites are? The whole detail of each and every one of those notifications—can we have that, please?</p> <p>TRENT CURTIN: We can take that on notice.</p>	
<p>ANSWER</p> <p>Of the 36 exceedances:</p> <ul style="list-style-type: none"> • 26 relate to tunnelling activity, and • 7 PCBU's notified more than once since the commencement of the reporting period (1 September 2024). <p>See Attachment 1 for further breakdown of exceedance notifications.</p>	
<p>The Hon. ANTHONY D'ADAM: Mr Curtin, I think it's fair to say that the regulator can't be everywhere, and that the system is premised on working with a range of stakeholders in the system, one of which is HSRs.</p> <p>Another is the unions with their authorised officers, who are able to be the eyes and ears of a broader compliance system. We heard evidence earlier from the CFMEU that one of their frustrations with the regulator is that it doesn't prosecute breaches of the consultation obligations and that, actually, this whole question around providing information to workers is symptomatic of a disregard from employers around those lower level obligations. What do you say about the question of enforcing those consultation and information-provision obligations? Can you perhaps make some comment about that? Perhaps secondary to that is have you prosecuted? What kind of compliance action have you been taking around those obligations for information provision and consultation?</p> <p>TRENT CURTIN: There is no doubt in my mind that those organisations that are performing well in terms of health and safety, and performing well as an organisation, have high-quality consultation mechanisms in place with their workers. In all of the organisations, large and small, that I've visited across New South Wales in this capacity, it's obvious to me that those organisations that have good consultation mechanisms are better and safer businesses. In terms of those consultations mechanisms, we've been doing a whole lot of work to increase awareness around health and safety representatives, and to provide increased support for them. In our recent restructure, we have dedicated a new team focused specifically on health, and safety representatives and union delegates to provide more support for them. That team's only just started and they haven't yet filled out the number of people, but the purpose of that team is to make sure that we're providing support to health and safety representatives, who are in many businesses right across New South Wales, to undertake those important functions. I know that health and safety representatives often do that in very difficult circumstances where they're an employee and also a representative of the employee at the same time. We are strong advocates for better consultative mechanisms. In terms of your specific question about how many that we've prosecuted for and what compliance activities, I'll take that on notice so that I can come back to you with a full answer in relation to those places where we have done compliance activities in relation to consultative mechanisms.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p>	

<p>SafeWork NSW Inspectors undertake verification checks of consultation arrangements as part of every site visit conducted in accordance with Part 5 of the WHS Act. Where consultation arrangements are not satisfactory, SafeWork NSW Inspectors may issue Improvement Notices to ensure this is rectified.</p> <p>Inspectors regularly issue notices to PCBU's for failure to comply with consultation obligations under the WHS Act. Between 1 July 2019 and 11 December 2024 SafeWork NSW Inspectors issued:</p> <ul style="list-style-type: none"> • 521 Improvement Notices in relation to consultation. • A combination of 2,830 Improvement and Prohibition Notices where consultation was included as a reason for issue or measure to be taken in response to the notice. • 12 Penalty Notices for failure to comply with Improvement Notices related to consultation or where consultation was included as a reason for issue or measure to be taken in response to the notice. <p>SafeWork NSW has also successfully prosecuted five duty holders under section 46 of the WHS Act for failure to comply with consultation obligations.</p>	
<p>The CHAIR: I don't want to hog this. I know Abigail wants to ask questions. These individuals who are focused on tunnelling—how many of those are in that cohort? TRENT CURTIN: I'd have to come back to you with the exact number. I think there's about 10 or 12. The CHAIR: If you could take that on notice, and the other two categories.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>The Infrastructure & Renewables Team has 12 Inspectors who conduct WHS compliance visits on major infrastructure sites across NSW, including tunnelling projects. This team is also supported by specialist Inspectors from the Silica Compliance, Occupational Health and Environment, and Engineering Teams.</p>	
<p>Ms ABIGAIL BOYD: We heard earlier that there was a memorandum of understanding between Comcare and SafeWork. Is that something you could provide to the Committee? TRENT CURTIN: Yes, we can provide the documents we've got in place between Comcare and SafeWork. We've got an ongoing relationship with them. At times we co-regulate in these tunnelling projects, where we've got federally regulated entities working alongside State-based entities, so we can provide the documentation that outlines that process.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>SafeWork NSW recently engaged Comcare on a proactive basis to ensure a consistent regulatory approach to tunnelling.</p> <p>Prior to 2009 there was a Memorandum of Understanding (MOU) in place between WorkCover NSW and Comcare.</p> <p>In 2012, this was superseded by a MOU between the Heads of Workplace Safety Authorities Members (HWSA) of which both SafeWork NSW and Comcare are members. This MOU formalises the cooperative working relationships between work health and safety regulators across the Australian and New Zealand jurisdictions and provides for investigations and the sharing of information regarding cross-jurisdictional matters.</p>	

<p>In 2023, the MOU was revised and is currently with HWSA members for consideration. Noting the MOU remains in draft, SafeWork NSW requests that the Committee does not further circulate or publish the draft 2023 MOU.</p> <p>See Attachments 2 and 3</p>	
<p>The Hon. CHRIS RATH: I know you probably didn't get to hear the evidence of the witnesses before you about the new online reporting system, the NORDR. Are you worried at all that, as you're moving towards this new online reporting system from the old paper-based system, there might be cases that slip through the cracks and go unreported? Do you have any views or evidence on that, because some of the evidence we got from the last witnesses was that that might be happening?</p> <p>TRENT CURTIN: I don't have any evidence of that occurring. We have moved, for silicosis, to the national model. That creates some benefits in terms of we're more readily able to access that information faster than we were under the previous arrangements. There are some benefits in terms of workers that might move interstate and other things under the new model. But, no, I'm not aware of circumstances where workers have fallen through the cracks in that reporting.</p> <p>The Hon. CHRIS RATH: I think it's because the directive was that they no longer need to report it to the department of health and that that may have happened a bit prematurely as people transition from the paper-based systems to the online system. I don't know if there's anything you could provide to us or maybe take it on notice about how that transition is working—and I know it's probably more department of health—from one system to the next. That would be helpful.</p> <p>TRENT CURTIN: We can take it on notice to seek that information, yes.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p> <p>SafeWork NSW recommends that this question is more appropriately addressed by NSW Health noting that SafeWork NSW is not notified directly of diagnosis of silicosis from medical practitioners and has had no oversight over the design of this process.</p> <p>The requirement to report diagnosis of silicosis to the National Occupational Respiratory Disease Registry (NORDR) commenced on 22 May 2024. Since then, SafeWork NSW directly accesses notification data through the NORDR.</p> <p>Previously, NSW Health was directly notified, and they then forwarded these notifications to SafeWork NSW, as required under the WHS Act. The requirement for medical practitioners to notify NSW Health was removed on 3 September 2024, according to the NSW Health website.</p>	
<p>The Hon. ANTHONY D'ADAM: I just want to ask, on notice, if you could look at the evidence from the previous panel about reducing the workplace exposure standard, bringing it down further, and whether there are any issues that SafeWork sees associated with that or what the extent of consideration around further reduction in the workplace exposure standard is.</p> <p>AKLESH NAND: We'll take it on notice, but just a very brief comment is that we have a dedicated lab at SafeWork NSW that has the capability to do the laboratory analysis that is needed for the low-exposure standards. The bigger challenge will be in terms of monitoring compliance, because it is such a lower level, and the increased reliance on personal protective equipment, to provide the controls. We'll now reply on notice.</p>	<p>SafeWork NSW</p>
<p>ANSWER</p>	

Achieving a lower WES across many industry sectors may not be practical, especially in industries where workers complete shifts of 10-12 hours in length. Shifts of this length would require a further reduction in the proposed respirable crystalline silica (RCS) WES of 0.02 mg/m³ time-weighted average (TWA) over 8 hours.

The reliability of the sampling for RCS at such low levels could make it difficult to determine compliance with the proposed WES.

Additionally, further reduction in the WES may result in a substantial increase in the level of respiratory protection required to be worn, as engineering controls may not be sufficient.

Further, the US Occupational Health and Safety Administration has concluded that compliance with an exposure standard of 0.025 mg/m³ TWA over 8 hours would not be technically feasible for industry. Alternatively, the state of British Columbia in Canada has set a WES of 0.025 mg/m³ for silica.

Notification Date	PCBU Business		PCBU ABN	PCBU Industry	Competent Person Business	Report date		Total Wes Exceedances	Date of first Action	Action Taken	Site Location	Additional explanatory notes	
	Name	PCBU Name				Hierarchy - air Monitoring	Report Date						Total Samples
20-Nov-24	Abergeldie Contractors PTY LIMITED	Abergeldie Contractors PTY LIMITED	47004533519	Construction	GCG		14/11/2024	8	4	2-Dec-24 Desktop verification	n/a		
14-Oct-24	Australia Pty Ltd	Australia Pty Ltd	66618030872	Construction	ACCIONA		8/10/2024	47	8	27-Nov Field visit	Western Harbour Tunnel		
15-Oct-24	Australia Pty Ltd	Australia Pty Ltd	66618030872	Construction	ACCIONA		10/10/2024	47	9	27-Nov Field visit	Western Harbour Tunnel		
5-Nov-24	Australia Pty Ltd	Australia Pty Ltd	66618030872	Construction	Tetra Tech Coffey		24/09/2024	34	12	27-Nov Field visit	Western Harbour Tunnel		
6-Dec-24	AGL Macquarie PTY LTD	AGL Macquarie PTY LTD	18167859494	Electricity, Gas, Water and Waste Services	Green Consulting Group PTY LTD		3/12/2024	28	4	2-Dec-24 Desktop verification	n/a	All desktop audits were commenced by the team on the 2nd December. This notification was received after the desktop verification. The site has been flagged for a follow-up desktop audit in early 2025.	
4-Nov-24	Babette Keane Binah Constructions Pty Ltd	Babette Keane Binah Constructions Pty Ltd	56615023286	Manufacturing	Occupational Matters		4/11/2024	9	4	2-Dec-24 Desktop verification	n/a		
23-Oct-24	Binah Constructions Pty Ltd	Binah Constructions Pty Ltd	13131594486	Construction	Mobile Screening Pty Ltd		18/10/2024	5	1	2-Dec-24 Desktop verification	n/a		
3-Dec-24	Binah Constructions Pty Ltd	Binah Constructions Pty Ltd	13131594486	Construction	Air Monitoring Pty Ltd & Envirolab Services Pty Ltd		22/11/2024	4	1	2-Dec-24 Desktop verification	n/a		
22-Oct-24	Boral Bulk Materials	Boral Bulk Materials	70000614826	Other Services	Boral Construction Materials LTD		19/10/2024	3	3	2-Dec-24 Desktop verification	n/a		
17-Sep-24	Australia	Australia	12000398701	Construction	EDP		12/09/2024	5	1	2-Dec-24 Desktop verification	n/a		
30-Oct-24	CONO Services Pty Ltd	CONO Services Pty Ltd	90167205656	Construction	John Holland Pty Ltd		30/10/2024	4	1	Not under SWNSW Jurisdiction - refer Comcare	No action taken - not under jurisdiction	n/a	
27-Nov-24	CONO Services Pty Ltd	CONO Services Pty Ltd	90167205656	Construction	John Holland		18/11/2024	2	2	Not under SWNSW Jurisdiction - refer Comcare	No action taken - not under jurisdiction	n/a	
17-Oct-24	CPB	CPB	53719567430	Construction	Tetra Tech Coffey		16/10/2024	10	1	26-Nov Field visit	Sydney Metro West & Sydney Airport		
14-Nov-24	CPB	CPB	53719567430	Construction	Tetra Tech Coffey		12/11/2024	8	1	26-Nov Field visit	Sydney Metro West & Sydney Airport		
17-Sep-24	CPB Contractors Pty Limited	CPB Contractors Pty Limited	98000893667	Construction	GCG Consulting		10/09/2024	10	8	26-Nov Field visit	Sydney Metro West & Sydney Airport		
30-Sep-24	CPB Contractors Pty Limited	CPB Contractors Pty Limited	98000893667	Construction	GCG Consulting		26/09/2024	10	6	26-Nov Field visit	Sydney Metro West & Sydney Airport		
30-Sep-24	CPB Contractors Pty Limited	CPB Contractors Pty Limited	98000893667	Construction	GCG Consulting		26/09/2024	13	11	26-Nov Field visit	Sydney Metro West & Sydney Airport		
2-Oct-24	CPB Contractors Pty Limited	CPB Contractors Pty Limited	98000893667	Construction	GCG Consulting		2/10/2024	10	6	26-Nov Field visit	Sydney Metro West & Sydney Airport		
24-Oct-24	CPB Contractors Pty Limited	CPB Contractors Pty Limited	98000893667	Construction	GCG Consulting		23/10/2024	11	2	26-Nov Field visit	Sydney Metro West & Sydney Airport		
2-Dec-24	CPB Contractors Pty Limited	CPB Contractors Pty Limited	98000893667	Construction	GCG Consulting Property Risk Australia (PRA)		28/10/2024	32	5	26-Nov Field visit Desktop	Sydney Metro West & Sydney Airport	Proactive engagement with this site was undertaken to build industry capability and also understand what industry was doing in response to WES notifications. Following this site visit the PCBU proactively notified. Following the notification the team conducted a desktop audit.	
1-Nov-24	Delta PTY LTD	Delta PTY LTD	67007069794	Construction			3/10/2024	5	1	2-Dec-24 Desktop verification	n/a		

1-Nov-24	DUX MANUFACTURING LIMITED	DUX MANUFACTURING LIMITED	19077879844	Manufacturing	Progressive Risk Management	3/10/2024	9	1	2-Dec-24	Desktop verification	n/a	
4-Oct-24	Ferroviaal Gamuda Joint Venture	Ferroviaal Gamuda Joint Venture	80603282395	Construction	Hypex Solutions	11/09/2024	9	2	25-Sep-24	Field visit	Tunnelling - Coffs Harbour Bypass	Proactive engagement with this site was undertaken to build industry capability and also understand what industry was doing in response to WES notifications. Following this site visit the PCBU proactively notified. Following the notification the team conducted a desktop audit.
18-Oct-24	Gamuda Berhad	Gamuda Berhad	27632738768	Construction	Hibbs	18/10/2024	7	1	26-Nov	Field visit	Rosehill - Metro West	
28-Oct-24	Gamuda Berhad	Gamuda Berhad	27632738768	Construction	Hibbs	14/10/2024	4	1	26-Nov	Field visit	Rosehill - Metro West	
29-Oct-24	Gamuda Berhad	Gamuda Berhad	27632738768	Construction	Hibbs	14/10/2024	4	2	26-Nov	Field visit	Rosehill - Metro West	
8-Nov-24	Gamuda Berhad	Gamuda Berhad	27632738768	Construction	Hibbs	11/10/2024	5	1	26-Nov	Field visit	Rosehill - Metro West	
29-Nov-24	Gamuda Berhad	Gamuda Berhad	27632738768	Construction	Hibbs	27/11/2024	4	1	n/a	No action	Rosehill - Metro West	
6-Nov-24	Mann Group NSW	Mann Group NSW	33618772722	Construction	JMB Environmental Consulting Pty Ltd	25/10/2024	3	1	2-Dec-24	Desktop verification	n/a	
13-Nov-24	Pacific Facility Services	Pacific Facility Services	12155825648	Other Services	Pacific Facility Services	24/09/2024	451	451	2-Dec-24	Desktop verification	n/a	
30-Oct-24	Surex Surveyors Pty Ltd	Surex Surveyors Pty Ltd	36140136385	Construction	John Holland Pty Ltd	30/10/2024	4	1	2-Dec-24	Desktop verification	n/a	
25-Oct-24	Titan Contractors Pty Limited	Titan Contractors Pty Limited	18627200677	Construction	McCaskill Parry Consulting Pty Ltd	21/10/2024	4	2	2-Dec-24	Desktop verification	n/a	
28-Oct-24	TOMAGO ALUMINIUM COMPANY PTY LTD	TOMAGO ALUMINIUM COMPANY PTY LTD	68001862228	Manufacturing	Tomago Aluminium	1/10/2024	3	1	2-Dec-24	Desktop verification	n/a	
23-Oct-24	Transport for NSW Virtus Infrastructure PTY LTD	Transport for NSW Virtus Infrastructure PTY LTD	18804239602	Other Services	EDP	15/10/2024	10	1	2-Dec-24	Desktop verification	n/a	
8-Nov-24	John Holland Pty Ltd	John Holland Pty Ltd	16648586332	Construction	John Holland Pty Ltd	30/10/2024	2	1	2-Dec-24	Desktop verification	n/a	
16-Nov-24	WEBUILD S.P.A.	WEBUILD S.P.A.	83159573896	Construction	Hibbs & Associates	4/11/2024	8	4	13-Nov-24	Visit	Lobbs Hole	Proactive engagement with this site was undertaken to build industry capability and also understand what industry was doing in response to WES notifications. Following this site visit the PCBU proactively notified. Following the notification the team conducted a desktop audit.
16-Nov-24	WEBUILD S.P.A.	WEBUILD S.P.A.	83159573896	Construction	Hibbs & Associates	8/11/2024	6	2	13-Nov-24	Visit	Lobbs Hole	Proactive engagement with this site was undertaken to build industry capability and also understand what industry was doing in response to WES notifications. Following this site visit the PCBU proactively notified. Following the notification the team conducted a desktop audit.
16-Nov-24	WEBUILD S.P.A.	WEBUILD S.P.A.	83159573896	Construction	Hibbs & Associates	8/11/2024	8	4	13-Nov-24	Visit	Lobbs Hole	Proactive engagement with this site was undertaken to build industry capability and also understand what industry was doing in response to WES notifications. Following this site visit the PCBU proactively notified. Following the notification the team conducted a desktop audit.
16-Nov-24	WEBUILD S.P.A.	WEBUILD S.P.A.	83159573896	Construction	Hibbs & Associates	13/11/2024	9	2	n/a	No action Taken since visit		
25-Nov-24	WEBUILD S.P.A.	WEBUILD S.P.A.	83159573896	Construction	Hibbs & Associates	25/11/2024	1	1	n/a	No action Taken since visit		

Applied filters:
Date is on or after 01/09/2024 and is before 29/11/2024
NotificationType is WES - exceedance reporting
FormID is 23127



- Notification summary
- PCBU summary
- Exceedances**
- Competent persons
- Notification details
- Portal audit log
- Contact / mailing list
- Form feedback

Filter by date range

9/1/2024 11/28/2024

Search by PCBU details

Search

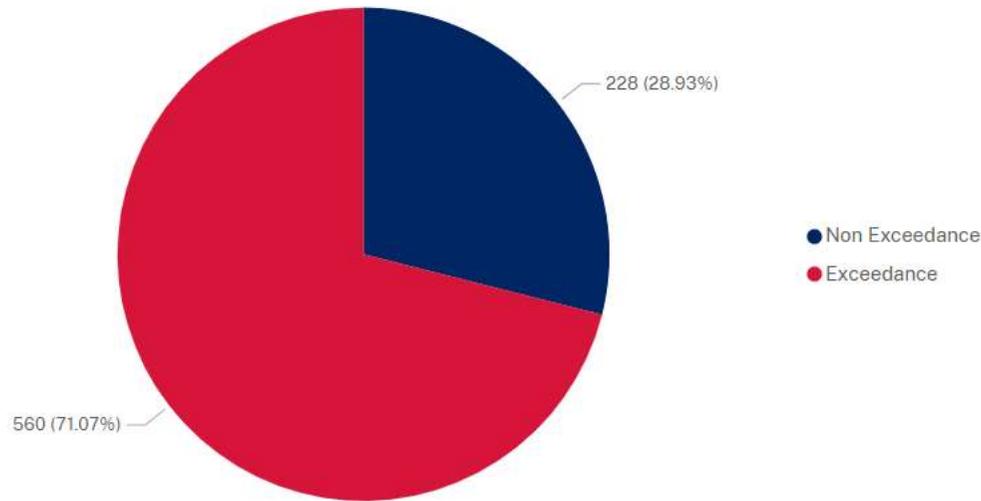
Business name Email Phone

Filter by industry

All

36
Count of Notifications

Sample Tests



PCBU Details

- Business name
- Abergeldie Contractors PTY LIMITED
 - ACCIONA Construction Australia Pty Ltd
 - Babette Keane
 - Binah Constructions Pty Ltd
 - Boral
 - Bulk Materials Australia
 - CONO Services Pty Ltd
 - CPB
 - CPB Contractors Pty Limited
 - Delta PTY LTD
 - DUX MANUFACTURING LIMITED
 - Ferrovial Gamuda Joint Venture
 - Gamuda Berhad
 - Mann Group NSW
 - Pacific Facility Services
 - Surex Surveyors Pty Ltd
 - Titan Contractors Pty Limited
 - TOMAGO ALUMINIUM COMPANY PTY LTD
 - Transport for NSW
 - Virtus Infrastructure PTY LTD
 - WEBUILD S.P.A.

Memorandum of Understanding

Between the

Heads of Workplace Safety Authorities

in

Australian Capital Territory

Comcare

New South Wales

Northern Territory

Queensland

South Australia

Tasmania

Victoria and

Western Australia

Date of effect: 1 May 2012

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Executed for each regulator by their HWSA member as follows: 8

1. INTRODUCTION

- 1.1 The purpose of this Memorandum of Understanding (MOU) is to establish a framework to facilitate cooperation and share information on cross-jurisdictional matters between the Heads of Workplace Safety Authorities (HWSA) in Australia who are signatories to this MOU.
- 1.2 This MOU sets out the common understanding among the HWSA members and their commitment at the time the MOU is signed and for the duration of the MOU. The MOU is not intended to create legally enforceable obligations between or among the HWSA members and cannot affect the rights and obligations imposed by laws.

2. TERM

- 2.1 This MOU is effective from 1 May 2012 and continues until replaced.
- 2.2 This MOU will be reviewed biannually by HWSA.

3. BACKGROUND

- 3.1 HWSA was established to promote and implement best practice in occupational health and safety in Australia and New Zealand in the areas of policy and legislative matters, education and enforcement.
- 3.2 The *Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* made on 3 July 2008 formalised cooperation between the Commonwealth, state and territory governments on the harmonisation of occupational health and safety legislation including that harmonisation would be complemented by a consistent approach to a compliance and enforcement policy.
- 3.3 In preparation for the new framework, HWSA members have cooperated to develop consistent policies and procedures on a range of matters.¹
- 3.4 Additionally, the *National OHS Strategy 2002-2012* (as amended or replaced) provides a national focus for all Australian governments and the peak bodies to improve work health and safety outcomes by working cooperatively and collaboratively.

4. PRINCIPLES

- 4.1 All HWSA members aim to achieve improved work health and safety outcomes through closer coordination and cooperation by:
- a) the coordinated development and implementation of national injury and illness prevention campaigns;
 - b) the coordinated development and promotion of nationally consistent guidance materials;
 - c) nominating officers who will be responsible for facilitating this agreement;
 - d) fostering cooperative working relationships among officers of each HWSA member;
 - e) clarifying the operational arrangements among the HWSA members;
 - f) ensuring there is efficient use of resources by minimising unnecessary duplication of effort;
 - g) promoting a consistent approach to training and encouraging professional development;

¹ The operation of these procedures will be conditional on harmonised laws being introduced into each jurisdiction.

- h) informing each other of proposals or issues of mutual interest and involvement;
- i) maintaining a consistent approach to enforcement within the bounds of legislation, other prosecution and penalty laws applying in the respective jurisdictions; and
- j) co-operating, where appropriate, to meet requests from Safe Work Australia to provide information and consistent and comparable data.

5. CROSS JURISDICTIONAL ARRANGEMENTS

5.1 Where agreed and as appropriate, subject to each regulator's legal, policy and administrative requirements, the HWSA members will aim to collaborate and cooperate on a range of activities, with the following representing a non-exhaustive list of examples:

- (a) give effect to agreed policies, procedures and/or protocols which aim to facilitate an as-consistent-as-possible approach to operationalising WHS laws, including endorsed deliverables from the Regulators Harmonisation Project² and the Harmonised Guidance Material Policy.
- (b) conduct parallel or joint inspections or investigations or otherwise support each other's investigations including in the following non-exhaustive list of circumstances:
 - i. where an incident identifies the potential of multiple duty holders in more than one jurisdiction (including up stream duty holders) being non-compliant with relevant WHS laws;
 - ii. where relevant plant routinely crosses from one jurisdiction into another (e.g. amusement structures) or records relating to an incident in one jurisdiction are located in another jurisdiction (e.g. vehicle log books in relation to an interstate truck incident);
 - iii. where duty holders in similar industry or occupation sectors operate on either side of state/territory borders; and
 - iv. where witnesses to an incident in one jurisdiction are resident or otherwise located at relevant times in another jurisdiction.
- (c) jointly develop and participate in HWSA injury and illness prevention campaigns and other national initiatives consistent with the following principles:
 - i. activities are targeted at areas of high risk as identified in the *National OHS Strategy 2002-2012* (as amended or replaced);

² Subject to each regulator's jurisdiction having enacted harmonised WHS laws.

- ii. priorities are established using an evidence-based decision-making process;
- iii. consideration is given to the achievement of a significant successful safety outcome;
- iv. determination as to whether HWSA is best placed to address the issue;
- v. promotion of further opportunities for harmonisation to establish greater national consistency and/or reduce duplication of effort; and
- vi. where possible, activities include communication and evaluation strategies.

5.2 The HWSA members agree that, in addition to national campaigns and initiatives, any other combination of the regulators may jointly develop and participate in campaigns and initiatives that are relevant to priority work health and safety issues impacting only on that combination of jurisdictions.

5.3 The HWSA members encourage sharing operational information with each other to the extent legally permissible. Each HWSA member notes that disclosure of such information to another HWSA member is governed by relevant provisions in local privacy laws and confidentiality provisions in other local laws applying to the regulator.

5.4 The HWSA members agree to consult with local stakeholders on endorsed HWSA activities by:

- a) identifying relevant stakeholders;
- b) consulting on matters directly impacting stakeholders according to local consultation arrangements;
- c) collating and reporting to HWSA on stakeholder feedback where appropriate; and
- d) informing stakeholders about outcomes where appropriate.

6 AMENDMENT, VARIATION OR MODIFICATION

6.1 This MOU may be amended, varied or modified by agreement among the HWSA members.

6.2 The HWSA members agree that this MOU will not be amended in any way other than by agreement in writing, and such agreement must be expressly stated to amend this MOU.

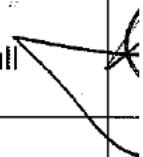
6.3 A HWSA member may withdraw from the MOU at any time and shall inform other HWSA members immediately, preferably via email, followed by formal written advice at the next HWSA meeting.

7 DISPUTE RESOLUTION

7.1 Where an issue arises between or among the HWSA members in relation to any matter covered in the MOU, the primary contact persons will discuss and attempt to resolve the issue. Where the primary contact persons are unable to resolve the issue, the matter may be referred to the HWSA member or delegate of the respective agencies.

7.2 If required, the matter may be referred to HWSA for resolution.

Executed for each regulator by their HWSA member as follows:

Name of regulator	Name of HWSA member	Signature of HWSA member	Date
WorkSafe ACT	Mark McCabe		26/4/12
Comcare	Neil Quarmby		26/4/12
Workcover NSW	John Watson		26/4/12
NT WorkSafe	Laurene Hull		6/6/12
Workplace Health and Safety Queensland	Simon Blackwood		26/4/12
SafeWork SA	Juanita Lovatt		26/4/12
Workplace Standards Tasmania	Neale Buchanan		1/6/12
WorkSafe Victoria	Ian Forsyth		26/4/12
WorkSafe WA	Lex McCulloch		26/4/12