

Report highlights

What this report is about

This report assesses how effectively SafeWork NSW, a part of the Department of Customer Service (DCS), has performed its regulatory compliance functions for work health and safety in New South Wales.

The report includes a case study examining SafeWork NSW's management of a project to develop a real-time monitoring device for airborne silica in workplaces.

Findings

There is limited transparency about SafeWork NSW's effectiveness as a regulator. The limited performance information that is available is either subsumed within DCS reporting (or other sources) and is focused on activity, not outcomes.

As a work health and safety (WHS) regulator, SafeWork NSW lacks an effective strategic and data-driven

approach to respond to emerging WHS risks.

It was slow to respond to the risk of respirable crystalline silica in manufactured stone.

SafeWork NSW is constrained by an information management system that is over 20 years old and has passed its effective useful life.

While it has invested effort into ensuring consistent regulatory decisions, SafeWork NSW needs to maintain a focus on this objective, including by ensuring that there is a comprehensive approach to quality assurance.

SafeWork NSW's engagement of a commercial partner to develop a real-time silica monitoring device did not comply with key procurement obligations.

There was ineffective governance and process to address important concerns about the accuracy of the real-time silica monitoring device.

As such, SafeWork NSW did not adequately manage potential WHS risks.

Recommendations

The report recommended that DCS should:

- ensure there is an independent investigation into the procurement of the research partner for the real-time silica detector
- embed a formal process to review and set its annual regulatory priorities
- publish a consolidated performance report
- set long-term priorities, including for workforce planning and technology uplift
- improve its use of data, and start work to replace its existing complaints handling system
- review its risk culture and its risk management framework
- review the quality assurance measures that support consistent regulatory decisions.

Fast facts

60

average number of compliance notices issued by inspectors with fewer than 2 years' experience

50

average number of compliance notices issued by inspectors with more than 5 years' experience

352

number of inspector roles in August 2023 versus 370 funded positions

8%

average proportion of administrative responses to complaints that are followed-up against an informal target of 20%

38%

proportion of complaints about falls from heights triaged as 'serious' in 2023 versus 70% in 2013