



CCPINES



**Independent Review
of the
Federal Safety Commissioner**

Feedback to Discussion Paper

Dated 30 June 2023



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Executive Summary

Dear Commissioner,

We thank you for the opportunity to be involved in a strategic review of the scheme.

From the outset, the scheme has held a very high bar and one that we are proud to say we have been a part of for the last 14 years.

We have developed, and improved systems to manage compliance on our wide range of sites which has not been without its challenges.

I believe that the fundamental cornerstone for achieving successful Safety Compliance within the Construction industry lies in the cultivation and maintenance of a strong Safety Culture. By nurturing a collective mindset that prioritises safety at its core, we can encourage the active participation, commitment, and engagement of all workers in looking towards ongoing compliance.

As a smaller company the additional overheads make us less competitive on non scheme projects and this is why we would welcome any simplification in this review.

As a business owner we see a worrying trend where our region cannot compete as we have inherent inefficiencies. This means that manufacturing is pushed overseas and has a long term detrimental effect on Australia.

We look forward to being involved in this strategic review and hope that together, the right outcomes are achieved to continue the mission of keeping our industry safe whilst allowing Australia to compete on the world stage.

Ben Pines

Our Feedback

Question 5

Do the functions of the FSC remain appropriate given the changes that have occurred in the WHS environment and operating context of the building and construction industry since its establishment?

Feedback

The functions remain appropriate however the criteria may have to be updated given the evolution in the WHS environment, and changes in legislation.

Question 6

How can the FSC's audit functions support the model WHS Act's policy objective of ensuring genuine and effective consultation with workers?

Feedback

By providing further guidance and examples on how accredited companies can best meet the WHS consultation requirements.

Question 7

Should the FSC be increasing its education role and what would that look like in practice?

Feedback

Although the FSC's education program is useful in the way that it provides seminars and information on key hazards and trends emerging from Audits, there is a gap in education on the best ways to comply with FSC audit criteria in relation to those hazards and the remaining criteria.

The audit criteria guidelines can be helpful in some instances, however, can be very much open to interpretation by the accredited company with very little willingness for understanding from the FSC and, in turn, the FSO's as to how the criteria is managed. It is understood that the FSC does not prescribe the 'method' by which entities must achieve the outcomes of the criteria, so as to give all entities scope to achieve compliance with the criteria in a manner that fits their business. However, the guidelines can be extremely rigid with little, to no room for adaptation for entities to fit the criteria to their business, which limits collaboration and complicates future compliance.

Question 8

How can workers and their representatives be encouraged and supported to play an active role in the work of the FSC?

Feedback

Although the Discussion Paper touches on 'collaboration', a focus on demystifying the criteria for potential and existing accredited companies would be beneficial for all parties.

Question 10

Do the powers of the FSC remain appropriate to achieve the objectives of the Scheme? Are any other powers required?

Feedback

The power to consult and advise accredited companies during the audit process on how to best comply with the criteria would be beneficial and appropriate. If the FSOs were able to provide more in-depth guidance on the most effective and efficient way to meet the criteria when gaps are identified, this would stream line the audit process and reduce the number of 're audits', in turn being more cost effective for the CW.

Question 13

How can the FSC improve Commonwealth funding entities' compliance with the Act?

Feedback

Further education and collaboration (as per feedback to Q's 7 & 8)

Question 28

Given the costs associated with administering a growing Scheme, the substantial auditing service being provided to entities and the Charging Policy, is it reasonable and appropriate to charge entities seeking accreditation?

Feedback

CC Pines believes that it is not reasonable to charge entities seeking accreditation, as entities seeking accreditation already outlay considerable time and resources establishing and maintaining a WHS system that meets the FSC criteria. This is also the case for entities seeking reaccreditation.

Question 29

What would be the impact of charging for accreditation and how could any charge be implemented fairly?

Feedback

CC Pines believed that the impact would be negative and deter entities that are seeking accreditation from pursuing it. It would also be difficult to implement a charge fairly, due to differing levels of service that would have to be provided by the FSC /FSOs for an entity to achieve accreditation. For example, one entity might only require 1 visit from the FSO, but another entity may need 3 visits to achieve accreditation.