



Australian Government

Department of Employment and Workplace Relations
Office of the Federal Safety Commissioner

FEDERAL SAFETY COMMISSIONER

REGULATOR STATEMENT OF INTENT

This statement sets out my intentions as the Federal Safety Commissioner regarding how I will meet the expectations outlined by the Minister for Employment and Workplace Relations in his Ministerial Statement of Expectations of March 2024.

Overview

I acknowledge that the Federal Safety Commissioner position is a statutory appointment under the *Federal Safety Commissioner Act 2022* (FSC Act) responsible for:

- promoting work health and safety (WHS) in relation to building work undertaken by a constitutional corporation, the Commonwealth or a corporate Commonwealth authority;
- performing functions as the accreditation authority for the purposes of the WHS Accreditation Scheme (the Scheme);
- promoting the benefits of, and disseminating information about, the Scheme;
- auditing compliance with National Construction Code performance requirements in relation to building materials;
- referring relevant matters to other relevant agencies and bodies; and
- any other functions conferred on me by the FSC Act or by another Act.

I will exercise my functions and powers in good faith and to the best of my ability.

Principles of regulator best practice

I will act according to the Government's principles of regulator best practice, as set out in the Ministerial Statement of Expectations, when conducting operations in my role as Federal Safety Commissioner. I will adopt a stewardship approach in undertaking the following activities:

1. Continuous improvement and building trust

I will take a whole-of-system perspective and look for opportunities to continuously improve the Office of the Federal Safety Commissioner's (OFSC's) performance, capability and culture. I will achieve this through:

- further improving the Scheme, while remaining flexible and responsive to changed circumstances;
- taking into account and responding to community expectations of good regulatory practice;



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- have accountability processes encouraging procedural fairness, accessibility and responsiveness that builds public trust;
- developing staff expertise within the OFSC in building and construction hazards, including through specialised training and industry partnerships; and
- driving efficiency and effectiveness in the administration of the Scheme using internal pilot programs to test and develop innovative methods of work.

2. Risk-based and data driven

I believe firmly in using data and information to manage risk proportionately and consistently. As Federal Safety Commissioner, I will work to:

- continue using a risk-based approach which is informed by data, evidence and intelligence. The OFSC's data-driven approach is central to its risk-based compliance model which focuses regulatory efforts on the most dangerous hazards and accredited companies that demonstrate the highest risk of non-compliance;
- assess closely the risks of non-compliance and respond in a proportionate way to the harm being managed;
- improve efficiency by continuing to prioritise limited resources on areas of greatest risk;
- ensure regulatory approaches keep pace with changes in technology, industry practices and community expectations; and
- refine the quality and comparability of the OFSC's data sources and enhancing its data analytics capabilities through an upgrade of its IT system and enhanced training for staff.

3. Collaboration and engagement

I value openness and transparency in my dealings with stakeholders and the opportunity to enhance regulatory impact through industry consultation. In leading the OFSC I will:

- be transparent, open and responsive to feedback and engage in genuine two-way dialogue on performance with building and construction companies, industry associations, unions and State and Territory WHS regulators;
- clearly communicate regulatory processes and be transparent about the decision-making criteria;
- continue ensuring there are genuine consultation processes in place to ensure stakeholders are engaged closely, with critical information shared in a timely way;
- provide the industry with opportunities to provide feedback on regulatory design through mechanisms such as the OFSC's annual census of accredited companies and post-audit surveys; and
- drive interactive and collaborative safety education initiatives such as webinars.



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As Federal Safety Commissioner, I will continue to pursue performance reporting into the Department of Employment and Workplace Relations' reporting processes. I will also seek to demonstrate the benefits derived from the Scheme.

Innovation and regulatory change

I will continually monitor the environment in which the OFSC operates to ensure its regulatory approach keeps pace with changes in technology, industry practices and community expectations. I will also regularly review the OFSC's policies, protocols and operating procedures to ensure it can respond to the changing social, technological and commercial context.

Government policy priorities and objectives

I will also take into consideration the Government's policy priorities including: Social and Affordable Housing initiatives; the National Construction Industry Forum; the Australian Work Health and Safety Strategy 2023-33, and ongoing work in addressing the risk of worker exposure to silica and other dusts.

The increased priority of Commonwealth support for social and affordable housing construction will require some changes to the way in which the OFSC administers the accreditation process. I will ensure that these changes are implemented in a way that does not reduce the Work Health and Safety standards of the Scheme.

I will work to integrate your Statement of Expectations and my Statement of Intent into appropriate performance targets.

Relationship with Minister and portfolio

I will consult with you, as the responsible Minister, on my broad priorities for discharging my legislative functions.

I will also ensure the Government is well placed to improve safety in the building and construction industry through strong collaboration with other parts of the Department of Employment and Workplace Relations and relevant portfolio agencies on significant issues.