Public response summary to possible amendments to NT work health and safety legislation

NT WorkSafe conducted public consultation about possible amendments to the *Work Health and Safety (National Uniform Legislation) Act* and Regulations over a period commencing on 24 September 2015 and closing on 26 October 2015.

During the consultation period information about the possible changes and an invitation to make a submission about those changes was published on the NT WorkSafe website; distributed via the Department of Business database; published on the Department of Business Facebook page; and directly emailed to 255 stakeholders including members of NT WorkSafe Ministerial Advisory Councils and sub-committees, unions, registered training organisations, industry associations and insurers. Two public consultation sessions were held, the first in Darwin on 7 October and the second in Alice Springs on 15 October.

Additionally, NT WorkSafe provided private briefings with Unions NT and the Minerals Council NT and responded to numerous phone calls throughout the period from interested parties seeking further information or clarification on particular amendments.

There were twenty-one (21) written submissions made to NT WorkSafe in response to the possible amendments. Written submissions were made by:

- Anyinginyi Health Aboriginal Corporation
- Australia Manufacturing Workers Union QLD/NT Branch
- Chamber of Commerce NT
- Community and Public Sector Union NT Branch
- Construction, Forestry, Mining and Energy Union QLD/NT Branch
- Consult Australia
- Darwin Occupational Services
- Department of Infrastructure
- Elphenbein and Associates
- GHD Pty Ltd
- Housing Industry Association (NT)
- Maritime Union of Australia
- Outback Safety
- Power Water Corporation
- Roussos Legal Advisory
- Safety Institute of Australia (NT)
- Sunbuild
- Suncorp
- Systematic Constructions
- Territory Generation
- United Voice

Feedback received has been summarised as follows, broken down by specific amendment. Please note that some feedback is paraphrased to protect the identity of the respondent.

Amend Powers of Health and Safety Representatives

Of the 21 written submissions received; 9 opposed this amendment, 2 fully supported it, 2 partially supported it and no response was provided in the remaining 8 submissions.

Comments included:

- HSRs are the link and voice between workers and PCBUs – if you take this power away then who is going to be the voice for those workers who do not feel they have the power or boldness to stand for their rights?
- These changes totally defeat the purpose and role of a HSR.
- Cannot see how removing the provisions will not result in diminution of safety practices and behaviour. A HSR is central to sound work health and safety practices within a workplace and should not be subject to an increase in the "red tape" cited in the consultation document where a reduction in "red tape" is sought for other parties in the WHS arena.
- HSRs should be able to direct that unsafe work cease without any fear of reprisal, let alone face the consequence of prosecution over some inconsequential technicality. Significantly more of the NT working population is Indigenous, have English as a second language and are especially susceptible to bullying or coercive behaviour and less willing to raise concerns when there is a right to do so. Other workers from non-English speaking backgrounds are also vulnerable due to a lack of familiarity with Australia's laws, work practices and language. Workers on temporary 457 or 417 visas are even less inclined to raise issues with an employer or even be aware they have a right to do so.
- The right of HSRs to direct a cease to work is crucial in situations where one section of the workforce is educated and aware of safety but another part is not - such as subcontractors, casuals, temporary or labour hire or apprentices.
- We reject the argument that this power duplicates the general right of workers to cease work. The HSR's right to direct a cease work cater for a different situation. If we are entirely relying on workers right to collectively or individually cease work, then we are ignoring the most vulnerable and powerless workers, who may be unaware or unable to exercise their rights. This power is designed for those situations.
- HSRs have sufficient powers to negotiate effectively with site management to resolve issues. HSRs have the support of NT WorkSafe and full access to NT WorkSafe for advice and assistance.
- We support the removal of the power of HSRs to order cessation of work and note that all workers retain the statutory right to cease work on safety grounds.
- It is suggested that this change will allow for immediate consultation at the workplace level in the first instance, which will enable more proactive management action in relation to safety concerns that may minimise disputes and other impacts on the business operation. It is noted that employees retain their right to refuse work on safety grounds.

Require 24 hours' notice for entry or access to a workplace by union officers

Of the 21 written submissions received; 6 opposed this amendment; 3 fully supported it; 1 submission cited 50/50 opposition and support amongst members; 1 cited majority support amongst members and no response was provided in the remaining 10 submissions.

Comments included:

- This amendment would have a positive impact for business. NT WorkSafe is better placed than unions to provide advice on the implementation of WHS laws and where expertise is lacking, we will seek assistance from an expert in the field of concern. Proper safety procedures should resolve all issues without need of unions. And also aligns with intent of Act.
- One working days' notice - no problem with this. Should not be an issue if the PCBU are doing the right thing. Three days rather than the current 14 days great amendment, they either have a pressing safety issue or they do not. Create more robust enforcement tools - Great amendment, required to stop recalcitrant unions from breaking the law.
- The proposal of 24 hours' notice period will ensure that the "ship will have sailed" before serious health and safety issues are addressed. These powers are of benefit for all and that there is no evidence to justify the proposed amendments.
- The RIS has not demonstrated how an additional restriction on WHS entry permit holders will improve the consultative practices. The proposal to delay workers access to specialised union employees in the absence of proof is worrisome. Experience demonstrates that early union involvement has assisted workers and their PCBU in mitigating and avoiding unsafe workplaces.
- The proposed changes result from ideology and not necessity. The amendments ignore the overwhelmingly constructive use of this provision by unions and the positive outcomes that have been achieved. Some employers predicted union abuses of this provision, but this has not happened. We are not aware of any cases where a union official has had their permit revoked or fines imposed within the NT.
- We strongly oppose the amendments and consider it absurd that the Consultation RIS suggested that this may improve safety outcomes as more prompt consultation on safety issues would need to occur. The amendments are not aimed in any way at producing better health and safety practices or outcomes. Rather, they are an attempt to de-unionise worksites, even at the expense of workers' health and safety. There is little or no history of unions misusing powers of entry in any jurisdiction, despite the vague, uncited allegation in the Consultation RIS that "this is something of a problem nationally".
- Unions provide vital support to workers and should not be blocked from assisting workers in their workplace. In the maritime industry, ships are in port for a very short time (8-12 hours) and are often "flag of convenience" vessels, registered in countries that operate outside of safety regulation. Every day NT workers (covered under NT laws) board these vessels to load and unload cargo. To require 24 hours' notice for WHS permit holders to enter the workplace, even in emergencies, is ridiculous. The vessel would be long gone before the workers got the support they need.
- We support the introduction of a notice period requirement of 24 hours prior to entering a workplace. Too often safety issues are used as an "industrial weapon" by unions to force themselves into workplaces. In our view, the safety Regulator should be the first point of contact for any alleged safety breaches. Additionally, we would recommend changes to the right of a HSR to allow access to a workplace to any support person to provide assistance in WHS matters. This is often viewed as a back door right of entry to union representatives and subjective assessment by potentially unqualified personnel. The equivalent provisions in South Australian legislation are preferable.
- It is suggested that the proposed amendment would align right of entry practices in terms of notice periods (as per the Fair Work Act) that currently exist for other union on site activity. This could provide for uniformity and clarity in relation to processes used for unions entering site/business premises and further standardise protocols between parties which would minimise confusion. The proposed change may ensure businesses (PCBU), not unions are the first point of contact for safety matters which may increase on the ground responsiveness in the workplace and provide for effective consultation and remedies between parties.

Remove the requirement to provide a list of HSRs to NT WorkSafe

Of the 21 written submissions received; 4 opposed this amendment; 1 submission cited 50/50 opposition and support amongst members; 1 fully supported it; and no response was provided in the remaining 15 submissions.

Comments included:

- This requirement encourages compliance and isn't a huge burden for business. We believe that this requirement helps to focus minds on ensuring appropriate training is given to HSRs upon their election.
- We consider it important that NT WorkSafe has a list of a PCBU's HSRs regardless of whether an Inspector would request and be provided with a current list. NT WorkSafe while not active in the day-to-day management of risk should be made aware of who are duly elected and trained HSRs in order to assist PCBUs and HSRs in understanding their obligations and rights under legislation, regulations and Codes.
- The requirement for the Regulator to have a list of HSRs legitimises and lends weight to the role and provides a motivation for the PCBU to see that provisions requiring the up-to-date manifest of HSRs are met and that these HSRs are trained. HSRs are perfectly placed to distribute health and safety information within their workplace and can disseminate important information which would otherwise be very difficult to get out into the community.
- The requirement for a business to provide a list of HSRs to the Authority helps to ensure that the HSR list is maintained. Where this list is not provided this would be indicative of employer flagrance with WHS requirements and provides a trigger to initiate inspections. Of course the Regulator does not always act on triggers for safety inspections, but it does not follow from the Regulator's inaction that important safety compliance mechanisms should be removed.
- We support the removal of the requirement for businesses to provide a full list of HSRs to the Regulator. In practice, it is an unreasonable burden on a PCBU to provide a full list of all contractors HSRs due to the transient and project based nature of the construction industry. This is an additional burden that is not considered to have contributed to workplace safety.

Allow flexibility for Codes of Practice

Of the 21 written submissions received; 10 opposed this amendment; 2 fully supported it; 1 partially supported it; and no response was provided in the remaining 8 submissions.

Comments included:

- Nationally uniform Codes of Practice have delivered improved workplace practices and compliance, whilst also improving business efficiency, reducing red tape and creating certainty for all stakeholders. Variation in the NT will add cost to national businesses and industries that rely on national training. We want to ensure that industry consultation is mandatory before any Codes are changed and consistency with other jurisdictions remains a policy goal for the NT.
- Nationally consistent Codes of Practice are in the best interests of the organisation, particularly in instances where interstate contractors are engaged to work on NT sites.
- Provided appropriate standards of practice are maintained to achieve the overall health and safety of workers, the NT should benefit from having Codes of Practice which take into account the unique environment of the NT.
- This defeats the purpose of National Codes of Practice and consistency across jurisdictions. If doing this - a representative group of local industry participants should be set up to assist with this and the process should be transparent.

- The argument that Codes do not reflect local practice is a dangerous one and could be used to infer that standards set for protection of health and safety of workers in the NT is at odds (i.e. lesser) than National standards. The national process allows for the constructive input from many and contributes to the quality of the information contained in the codes.
- Workers, regulators and PCBUs benefit from the representation of unions through skilled staff at the national level when Codes of Practice are being developed. On this basis, the amendment to the current requirement of tripartite consultation when variation to a Code is being considered is opposed.
- We oppose the Northern Territory defaulting from the nationally harmonised legislative framework. Cross-jurisdictional employers would have increased burdens because they would need to comply with separate legislation and provide different training courses in different jurisdictions.
- This amendment is not aimed at improving health and safety standards. Rather it would enable the NTG to set in motion a race to the bottom on work health and safety. The NTG should instead consider ways in which it can constructively participate in the consultation process in developing better Codes of Practice.
- The assertion that Codes do not reflect local practice is inappropriate and suggests that standards for the protection of health and safety of NT workers might be different from the national standard and introduces the possibility that NT workers might be given less protection than workers in southern states. We oppose this amendment and believe NT workers should be given the same level of protection as any other worker. Most members of the community would agree with this view.
- The adoption of nationally consistent WHS Codes of Practice under the legislation saves business money, by reducing bureaucratic procedures and making excessive regulation redundant. It has also led to better safety outcomes by streamlining our business to enable more efficient compliance with the laws, and greater focus on safety culture, and less on regulation. Nationally consistent Codes of Practice (COPs) deliver improved confidence for all stakeholders to equally share one set of defined duties to provide a safe working environment. Any amendment to the structure currently established in the area of safe design would many regards be a step backwards in achieving safe workplaces both now and in the future.
- We support the amendment to allow national model Codes of Practice to be varied or revoked in the Northern Territory without the need to go through the overly prescriptive national consultation process currently required. This process is drawn out, convoluted and waters down the Sovereignty of the NT Government and Parliament. It is however important that the Government continue to consult with local industry on all reforms that impact them.
- There is a need for acknowledgement of local (unique NT conditions) impacts and practices and perhaps improved efficiencies within current process. There may be a need for further consultation in relation to this proposed change in order for business to seek clarity on the proposed changes and potential legal implications.
- It is submitted that the regulatory strength of having a Code is one of its greatest benefits. To dilute that benefit, diffuse the impact and diminish the clear practical methodologies contained within Codes of Practice is counter-productive. It fails to capitalise on the strength of the nationally-endorsed initiative. While the consultation process can be onerous and time consuming, the views of individual jurisdictions can be captured effectively and with a degree of accuracy (given the requirement for consultation/collaboration). It is submitted that, where possible, such Codes be retained. Conversely, where there are local practices, these can be captured in Guides (which do not have the same, if any, evidentiary value).

Remove mandatory audiometric testing

Of the 21 written submissions received; 11 opposed this amendment, 1 fully supported it, and no response was provided in the remaining 9 submissions.

Comments included:

- The removal of the requirement of audiometric testing just because it could cost some companies 3 days wages to get their workers tested does not seem logical. Perhaps the mandatory requirements could just be removed for employees working in rural locations more than 200km from service providers, or something similar.
- Hearing loss is a major issue and cannot be repaired once suffered. Moving the requirement for mandatory audiometric testing to the mining chapter may lessen the focus on risk management for other industries. Empirical analysis is required to ascertain the cost to businesses in complying with the requirements against the health and economic cost to Australia if the risks are not effectively managed.
- We have noise exposure issues and use the standards as per the Regulations to monitor the situation.
- A balance is required between the costs of audiometric testing and the long-term costs associated with hearing loss. Use of mobile hearing testing companies may assist in decreasing costs and logistical effort associated with transporting workers from remote sites. Further information from WHS experts and hearing testing companies may be required.
- We currently undertake mandatory hearing testing for all our employees in Darwin, Alice and Tennant Creek this is not difficult to do. We will continue to do this as we are a responsible employer but reality is many employers where this is an issue may not. This will be problematic as the issue will not be monitored and may create a problem in the future if a person does suffer a work related hearing loss. I believe for industries where noise is an identified issue it should be mandatory.
- Disagree with removing the requirement for mandatory audiometric testing due to lack of access and availability in regional and remote areas. There are companies who operate mobile hearing testing facilities in the Northern Territory.
- Audiometric testing has the same role as health monitoring - a very useful feedback mechanism to reassess the adequacy of risk control mechanisms. It is necessary for continuous improvement. Because of the endemic nature of noise induced hearing loss it is included in the National OHS Strategy.
- We oppose the amendment and have concerns that the ongoing impact to workers and families affected by noise induced hearing loss has not been considered or explored in the RIS.
- We oppose the removal of mandatory audiometric testing and consider the inconvenience and cost associated are not valid reasons to remove the requirement. Regular testing should be undertaken to both monitor and prevent injury, as well as to provide the necessary evidence to establish employer liability, such that a worker can be compensated financially.
- Feedback mechanisms like testing are necessary for continual improvement, which is enshrined as one of the objects of the WHS act. Cutting testing will introduce other cost imposts elsewhere in the system. The RIS quotes national figures of savings for businesses, but no local data and no information of the true costs of hearing loss to individual workers and the community. The RIS should be amended to more fully acknowledge the downstream costs of deafness.
- Removing this provision introduces a foreseeable risk that a worker may have their working lifetime in the NT exposed to hazardous noise and never be screened for hearing loss. We suggest mandatory baseline audiometric screening at the commencement of employment where noise above the exposure standard is expected to occur.

- We support the removal of the mandatory audiometric testing requirement. These requirements are difficult to meet and arguably do not guarantee any WHS improvement. They are also confusing in practice as it is difficult to understand who has the duty when more than one PCBU is involved.
- The term "frequently required" when referring to the use of PPE is ambiguous in nature and does not provide clear guidance and is therefore an irrelevant and interpretive requirement.

Remove the requirement for licence holders to notify certain matters to NT WorkSafe in writing

Of the 21 written submissions received; 2 opposed this amendment; 1 fully supported it; 1 submission cited 50/50 opposition and support amongst members; and no response was provided in the remaining 17 submissions.

Comments included:

- We note and warn that problems with fraud have occurred with licence holders. We do not understand why a jurisdiction would expose itself to similar problems.
- We would urge caution with respect to this proposed amendment and agree with comments by other stakeholders that there have been problems with fraud with licence holders in some jurisdictions.
- Provided all the details are confirmed at the Regulator's end – this makes good sense.
- This is an example of watering down National Uniform Legislation under the guise of "removing red tape".
- Include a caveat that there needs to be an email to the Authority and a follow up phone call.

Increase the trigger point for defining a construction project

Of the 21 written submissions received; 4 opposed this amendment; 3 supported it; 1 suggested an alternative and no response was provided in the remaining 13 submissions.

Comments included:

- Changing the Construction Project Trigger Point from $250,000 to $500,000 is misguided. As an auditor I am privileged to look behind the scenes of companies and assess their conformance, in doing this I can see that the duties of principal contractor are not well understood or actioned at the majority of companies I have assessed. In saying that if the trigger point is raised, I believe there will be much less initiate from the companies to actually understand their duty let alone comply with WHS Act and Regulations. If the intention of raising the trigger point to eliminate the construction of a standard single dwelling in the suburbs of NT being impacted (example provided in info sheet) then perhaps the trigger point should only be raised to $500,000 for residential building.
- The construction industry is dangerous and there should be no reduction in requirements and each jurisdiction should maintain the current model WHS obligations to reduce red tape for businesses operating in more than one jurisdiction.
- Setting the trigger point at $500,000 is appropriate and will benefit NT businesses.
- $250k sounds about right. Private housing projects should be exempt from this. Commercial projects, however should not.
- The building and construction industry is extremely dangerous and smaller projects are no exception. The smaller end of the industry may be where the most non-compliance with WHS laws occurs. Removing Principal Contractor duties for construction work below $500,000 would remove much of the domestic cottage sector from proper WHS regulation. Construction workers should not have differing protections on the basis of the industry sector in which they work.

- We suggest that the threshold increase be indexed to NT CPI and categories of construction be created and defined to outline specific safety requirements for each type of construction work (e.g. domestic and commercial). $500,000 seems excessive.
- I believe the responsibility of a Principal Contractor should be across the board for all works involving high risk construction work. The basic requirements should not be that onerous, it is just that is has been made more complicated than it needs to be. This problem should be addressed by simplifying SWMS and pre-start obligations as this is where the blockages are; not in the responsibility parameters of a Principal Contractor.
- We support the increase of the trigger point to $500,000. The current threshold is unrealistically low and covers many residential building projects where there is no justification to impose principal contractor obligations or duties.
- Further consideration should be given to a non-monetary trigger for the obligations; monetary thresholds require constant review and adjustment for CPI and will differ from state to state. To this end, we reiterate our call for "housing construction work" (as defined in the Construction Code of Practice) to be completely excluded from the current principal contractor obligations.
- It is submitted that the requirement for provision of SWMS should not be tied to the value of the project but rather to the risk associated with the work. A Risk Assessment process whereby high risk works are identified and SWMS provided should be in place and be independent of the monetary value of the project.

Remove red tape when applying for an asbestos removal licence

Of the 21 written submissions received; 3 opposed this amendment; none fully supported it; 5 partially supported it; 1 suggested an alternative; and no response was provided in the remaining 12 submissions.

Comments included:

- We agree on the removal of the certified safety management system for a Class-A removal licence provided the system still meets the criteria.
- Given the high risk nature of work for Class – A asbestos removal (the much more dangerous friable asbestos) it is imperative that stringent risk control systems are maintained which are regularly monitored and independently certified. We do not support the removal of certified safety management systems as part of obtaining a Class – A asbestos removal licence.
- There should be no watering down of asbestos related legislation.
- We do not consider the nomination of a supervisor at the time of application for a Class-B removalist licence or the need for a certified safety management system in place to obtain a Class-A removal licence to constitute "red tape" and believe it is a logical safeguard given the deadly nature of asbestos to not only those handling and disposing of it, but also to the broader community who may become exposed to the substance as a consequence of unsupervised work or the lack of a certified safety management system.
- Class - B should retain the need to nominate a supervisor when applying for licence. A condition should be implemented that the safety management system should be verified by the Regulator before issuing a Class- A licence supported by a new guideline to outline the requirements of a safety management system.
- Reduced requirements for supervision and qualifications may pose additional risk to workers, particularly when legislation already allows the removal of 10m2 without a licence. Should there be any reduction in licencing or supervisory requirements, then a minimum standard of training for all construction workers should be included in the Regulations, rather than in the Code of Practice as they are now.

- We agree that the removal of the requirement to have a certified WHS management plan would reduce administrative burden. However, when there is a WHS management plan required, the specific requirements of the plan should be documented to ensure the plan meets the minimum requirements and to reduce ambiguity of those requirements.
- It is submitted that if the issue is cost to the Class-A licence applicant, then the aim should be to lower the costs of certification, not remove certification. There needs to be a system in place for ensuring that a Class-A asbestos removal contractor has an appropriate safety management system in place and that it is being implemented correctly and updated as required.

Simplify the process for issuing a clearance certificate for Class B asbestos removal work

Of the 21 written submissions received; 3 opposed this amendment; none fully supported it; 2 partially supported it; 1 did not specify support or opposition; and no response was provided in the remaining 15 submissions.

Comments included:

- We are concerned with the training of personnel prior to receiving attainment from an RTO.
- Clearance certificates should not be able to be issued without air monitoring being undertaken for both classes of asbestos removals.
- A licenced asbestos assessor should be required to issue the clearance certificates for both classes of asbestos removals; we have major concerns with the words “an appropriate trained person” in place of a licenced asbestos assessor.
- We strongly oppose this amendment and consider that the removal of the requirement will not simplify the task of inspection, but will make it easier for unscrupulous operators to flout the requirements and expose the public to asbestos. It is critical that there are proper checks and balances in place. Increasing penalties does not make up for the danger created through not having independent input in the process.
- One suggestion is to remove the requirement for independent clearance certificates for Class-B removals and create a quality assurance testing regime undertaken by the Regulator. Alternatively, maintain the existing provisions.
- There should be no watering down of asbestos related legislation.
- Independent testing is a means of minimising conflicts of interest and providing quality assurance to reduce the long term health risk.
- There is a concern that, particularly in remote areas, Class-B asbestos removal works could occur without supervision and without appropriate clearance inspections to ensure the job was done correctly and safely.

Simplify the management of RTOs who provide training for white cards

Of the 21 written submissions received; 2 fully supported it, none opposed it and no response was provided in the remaining 19 submissions.

Comments included:

- We support the recommended amendment to remove the ability on an RTO to grant a white card, but retain the provision of white card training and prefer the Regulator to have the sole responsibility for issuing white cards to ensure consistency of record keeping and levels of training are maintained.

Simplify the management of the Work Health and Safety Council

Of the 21 written submissions received; 3 opposed this amendment; 3 fully supported it; and no response was provided in the remaining 15 submissions.

Comments included:

- In light of the available resources and availability of appropriate persons with the sufficient skills to participate, the reality is that a better outcome would be achieved by consolidating resources and merging WHSAC and WRCAC. This could potentially provide a stepping stone to consider a Board type governance structure in the future.
- We acknowledge that changes in the structure of the Councils may be advantageous but do not support the current proposal. We do not support the simplification of the Councils as the current structure of the Councils allows Unions to nominate people with skills in specific fields to sit on the sub-committee relevant to their field but we agree that some work needs to be done with the Councils to ensure they are more functional.
- We do not support simplification of the Councils and want to retain the current structure which provides union worker representatives the right to be part of the Councils. We are prepared to work with unions and stakeholders in making the existing Councils, committees and sub-committees function in a more efficient manner.
- A general effort to work with Councils to ensure they are more functional would be welcome.
- Provisions for removal of a Council member should be expanded.
- There would need to be considerable thought given to the selection criteria for the 10 positions. Need to balance workplace knowledge with a good understanding of the legislation and practical real-time experience.

Removal of regulations that were part of the transition from older legislation and have now lapsed

Of the 21 written submissions received; 1 fully supported it, none opposed it and no response was provided in the remaining 20 submissions.

No specific comments were received in relation to this amendment.

Public Consultation Workshops

In addition to the written comments on the potential amendments there were two public workshops held during the consultation period. Comments made during the workshops are summarised below:

Darwin

- General
  - harmonisation will go – this is not a good idea
  - Regulations should be in Plain English (e.g. "should" becomes "will")
- Asbestos
  - Changing licencing requirements will affect worker and people's safety
    - Require supervisor listing at Class B application as that ensures the applicant has the right people. Which keeps them honest.
  - Supervisor for Class-B work should be present like for Class A
- Right of Entry (ROE) and Health and Safety Representative (HSR) powers
  - Worker and union rights would be disempowered

- HSR changes not needed as there is no problem and so solution provided is not needed
- HSRs don't always have the industry experience or skillset
  - There will be negative outcomes from businesses with less concern about safety
  - Sole traders nationally-contracted/casual even more exposed
- A HSR would like to ask for help but can't access phones as some workplaces don't allow them on site for safety reasons and will not permit access to office phone
- Is there an issue with HSR asking union first rather than second?
- ROE – wait for model law changes
  – no need in NT
  – will affect safety negatively
- ROE notification could be improved
- ROE works when NT WorkSafe/Boss isn't effective enough
- ROE periods too long currently
- Communications need to be improved between unions and businesses
- HSR Lists – must ask

- Codes of Practice
  - Put into Regulation how to endorse and assure "right fit" for the NT
- Councils
  - need to remain separate to ensure expertise
  - Sub-committees need improvement
- Audiometric testing
  - If changed, a clear Code is needed

Alice Springs

- General
  - High Risk Work Licences align with the Regulations and Codes, so there could be large impact of changing those.
- Right of Entry (ROE) and Health and Safety Representative (HSR) powers
  - HSRs should be allowed to order cease to work
    - Workers don't always have the industry experience or skillset
    - HSRs have the training
    - There has been no history of abuse of this power
    - International workers and those with English as a Second Language are even more exposed and so need this protection
  - ROE
    - The powers of union officials and businesses should be rewritten and clarified so ensure no abuse and thus not require proposed changes
  - HSR Lists aren't red-tape
    - Businesses should be putting these lists together and having them get sent to NT WorkSafe ensures this happens
- Codes of Practice
  - Convert the Codes to Guides
  - Codes should be assessed locally through public and stakeholder consultation prior to adoption