



Mr Simon van Vegchel
Industrial Officer
Public Service Association of New South Wales

Via email: SVanVegchel@psa.asn.au

Dear Mr van Vegchel,

SafeWork NSW draft Expected Participation Model – After Hours Emergency Response Service

I refer to your letter to Rose Webb, Deputy Secretary, BRD, SafeWork NSW dated 7 March 2019. Ms Webb has asked me to provide a response on behalf of the Department.

The Department has considered the concerns raised in your letter and spoken with the relevant staff involved in the preparation and circulation for consultation of the draft “AHERS Expected Participation Model” (**Draft**).

Whilst we understand the nature of your concerns, we would like to clarify certain matters raised:

1. In our view, the Draft does not propose a process or model that is contrary to the provisions of Schedule 1 of the Memorandum of Understanding – Workcover Inspectors (**MOU**);
2. The Department has, on numerous occasions prior to your correspondence, raised its concerns (operational and in relation to health and safety of Inspectors with the VG and the PSA. Discussions and consultation are ongoing). The Draft seeks to address these concerns that are shared by the Department, PSA and VG;
3. The Draft was prepared as part of this process, in consultation with the VG and appropriately put to HSR's in a draft format for initial consultation. It was not and has never been distributed as a final document, guideline and/or directive; and
4. Initial consultation was appropriately with the HSR's given health and safety issues raised by both the VG and the PSA previously, to ensure that when circulated for wider consultation, it addressed the key concerns.

Accordingly, in the Department's view, there is no current dispute for resolution. Notwithstanding, given your correspondence and given the concerns raised relate to the MOU that is currently the subject of an ongoing dispute that has been referred to arbitration before the NSW Industrial Relations Commission (**NSWIRC**), the Department has decided to suspend consultation in relation to the Draft at this time. It is reasonable to assume that the Department's and the PSA's concerns in relation to Schedule 1 of the MOU will be addressed as part of the section 19 review of the *Crown Employees (Department of Finance, Services and Innovation – SafeWork NSW Inspectors 2007) Award* and related proceedings currently before the NSWIRC. We therefore do not see any need to arrange a meeting with the SafeWork NSW Executive and/or other relevant decision makers about this issue at this time.

If you have any queries in the meantime or wish to discuss, please do not hesitate to contact Scott Steenholdt, Senior Employee Relations Advisor on 0466 367 948 or by e-mail Scott.Steenholdt@finance.nsw.gov.au.

Yours sincerely



Tony Williams
**Executive Director,
SafeWork Operations**

13 March 2019

Cc: Ms Rose Webb, Deputy Secretary, Better Regulation Division
Email: Rose.Webb@finance.nsw.gov.au

Cc: Mr Andrew Gavrielatos, Executive Director, SafeWork Special Services
Email: Andrew.Gavrielatos@safework.nsw.gov.au

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