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Australasian Faculty of
Occupational and Environmental Medicine

20 December 2016

Mr Rob Stobo
A/Director
Regulatory Policy Branch
Better Regulation Division
NSW Department of Finance Services and Innovation
92-100 Donnison Street
Gosford NSW 2250

By email: legislationreview@safework.nsw.gov.au

Dear Mr Stobo

AFOEM feedback on the NSW Statutory Review of the Work Health and Safety Act 2011 Discussion Paper

Thank you for the opportunity to provide comment on the NSW Statutory Review of the Work Health and Safety Act 2011 Discussion Paper.

The Australasian Faculty of Occupational and Environmental Medicine (AFOEM) is a Faculty of the Royal Australasian College of Physicians (RACP) representing specialist occupational and environmental physicians (OEPs) in Australia and New Zealand. We are committed to establishing and maintaining the highest standards of practice in occupational and environmental medicine (OEM) in Australia and New Zealand through training, continuing professional development and advocacy.

We appreciate that the terms of reference for the review are limited to the NSW-specific aspects of the legislation only and that there will be a review of the harmonised Work Health and Safety Act and supporting regulations and Model codes of Practice in 2018.

Whilst we do not have specific comments on the discussion questions provided, we would like to make the following recommendations for your consideration as part of the Statutory Review:

- *The definition of emergency service workers should be consistent across NSW legislation.* The definition of emergency service workers includes NSW Police in the NSW Work Health and Safety Act but some other NSW legislation refer to police and emergency service workers as separate groups. Our view is that a consistent definition for emergency service workers across all NSW State legislation would be more appropriate. We support the more encompassing definition included in the Work Health and Safety Act.
- *The regulation and model code of practice should include a clause to specify that all medical practitioners involved in health monitoring need to complete*

recognised training in conducting health surveillance before undertaking such activities. As it stands, the nature of the training or experience of medical practitioners involved in health monitoring has not been defined in the regulation or model code of practice. We know that less than adequate health monitoring can lead to work-related medical conditions being missed. The recent cases of Coal Workers Pneumoconiosis in Queensland are a sad reminder of this fact. We therefore strongly suggest that all medical practitioners involved need to complete recognised training in conducting health surveillance before undertaking such activities and a clause to such effect is added to the regulation and model code of practice.

Thank you again for this opportunity to provide our feedback. Should you have any questions or require any further information about this submission, please contact AFOEM on [REDACTED] ■

Yours sincerely,

[REDACTED]

Associate Prof Peter Connaughton
President AFOEM