

STATEMENT OF EXPECTATIONS

Federal Safety Commissioner

This Statement sets out the Australian Government's expectations for the Federal Safety Commissioner's regulation of work health and safety in relation to building work undertaken by a constitutional corporation, the Commonwealth or a Commonwealth entity under the *Federal Safety Commissioner Act 2022* (the Act).

While there have been improvements in recent years, the building and construction industry still sees too many serious injuries and deaths among workers. It is critical the Australian Government leverages its position as a major procurer of building works to model better safety standards needed to ensure everyone goes home safely every day.

The Federal Safety Commissioner's role

The functions of the Federal Safety Commissioner are to:

- promote work health and safety in relation to building work undertaken by a constitutional corporation, the Commonwealth or a corporate Commonwealth entity
- perform functions as the accreditation authority for the purposes of the Work Health and Safety Accreditation Scheme (the Scheme)
- promote the benefits of the Scheme and disseminate information about the Scheme
- audit compliance with the National Construction Code performance requirements in relation to building materials, and
- refer matters to other relevant agencies and bodies.

The government's policy priorities

The government is focussed on improving the safety standards of the building and construction industry. The government expects this to be the primary focus of the Federal Safety Commissioner. In doing so, the government also expects the Federal Safety Commissioner to:

- work constructively and pragmatically with the government agencies responsible for funding the Government's building priorities to ensure safety on Government-funded building projects. This includes, for example, the Government's social and affordable housing agenda
- support and enhance tripartism in Australian workplace relations
- tailor their regulatory approach to the diverse needs of the building and construction industry
- take proactive steps to ensure builders engaged by government are safe and comply with all conditions of accreditation – where non-compliance occurs, proportionate and consistent compliance action utilising all available compliance levers and legislative powers is expected
- take proactive steps to ensure the Commonwealth and Commonwealth entities understand and comply with legislative obligations to engage accredited builders to perform relevant building work
- use intelligence and data to inform a risk-based approach to regulatory engagement
- draw on evidence and stakeholder experience to identify and address systemic non-compliance

- work cooperatively with stakeholders including building and construction businesses and funding agencies to encourage voluntary compliance
- monitor their operating environment to ensure regulatory approaches keep pace with changes in technology, industry practices and community expectations
- respond appropriately to the changing context and operating environment of the building and construction industry
- embed within the Office of the Federal Safety Commissioner, act in accordance with, and strive for continuous improvement against, the principles of regulator best practice as set out in Resource Management Guide 128 *Regulator Performance*, and
- be transparent in their operations, policies and decision-making processes including by publishing formal regulatory decisions allowable under the Act, performance results and updates on emerging issues.

Relationship with stakeholders

Regarding relationships with stakeholders, the government expects the Federal Safety Commissioner to:

- ensure that their actions are not inconsistent with the policies of the government, in accordance with section 21 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)
- consult with and provide appropriate guidance so that building and construction businesses, their representatives, and funding agencies have clarity about how the Federal Safety Commissioner will exercise their powers
- coordinate regulatory activities with other regulatory agencies to avoid duplication, including through sharing information where possible, and
- work collaboratively with the Department of Employment and Workplace Relations on significant issues relating to strengthening compliance with the Act.

The government will provide an enabling environment for the Federal Safety Commissioner to consistently implement best practice by ensuring they are well informed of the government's policy direction, as specific initiatives and strategies are being considered.

Organisational Matters

Regarding organisational matters, the government expects:

- the Office of the Federal Safety Commissioner (the Office) within the Department of Employment and Workplace Relations to implement appropriate controls to manage the risk of unauthorised disclosure of protected or sensitive information
- the Office to uphold and promote the Australian Public Service Values and Code of Conduct
- the Office to comply with the requirements under the PGPA Act and associated instruments and policies, and
- the Federal Safety Commissioner to hold themselves to account through internal accountability processes that foster a culture of continuous improvement and reflection.