



## Consultation paper – WHS incident notification

### Cover sheet for submissions provided by email or post

When making your submission by email or post, please complete the following form and include it with your submission.

Submissions will be accepted until **10am (AEST) on Monday 11 September 2023**.

#### Your details

*(Please leave blank if you wish to remain anonymous)*

Title, First Name, Surname: Mr Luke Chippindale

Organisation name, if applicable: Caravan industry Association of Australia

Email:

[Redacted]

Contact number, including area code:

[Redacted]

1. This submission is written on behalf of an: ☐ Individual ☒ Organisation

2. Which of the following categories best describes you? Choose more than one if applicable.

- ☐ Academic
- ☐ Community organisation
- ☐ Designer
- ☐ Employer organisation representative
- ☐ Government representative
- ☒ Industry representative
- ☐ Officer of a company
- ☐ Peak health body representative
- ☐ Person conducting a business or undertaking/employer
- ☐ Professional
- ☐ Supplier, manufacturer or importer
- ☐ Trade union representative
- ☐ Worker
- ☐ Work health and safety consultant
- ☐ Other – please specify:

3. Business size:

- ☒ Small (under 20 employees)
- ☐ Medium (20 to 199 employees)
- ☐ Large (200+ employees)
- ☐ Not applicable

4. Where does your business operate? Choose more than one if applicable.

- ☐ Australian Capital Territory
- ☐ New South Wales
- ☐ Northern Territory
- ☒ Queensland
- ☐ South Australia
- ☐ Tasmania
- ☐ Victoria
- ☐ Western Australia
- ☐ Nationally
- ☐ Outside of Australia
- ☐ Not applicable

5. What industry do you operate in? Choose more than one if applicable.

- ☐ Agriculture, forestry and fishing
- ☐ Building construction
- ☐ Construction services
- ☐ Demolition
- ☐ Emergency services
- ☐ Health
- ☐ Heavy and civil engineering construction
- ☐ Manufacturing
- ☐ Mining
- ☐ Public administration and safety
- ☐ Quarrying
- ☐ Regulatory
- ☐ Research
- ☐ Retail and hospitality
- ☒ Transport, postal and warehousing
- ☒ Other – please specify: tourism

6. Please check which of the following directions applies to your submission:

- ☒ Publish my submission online  
(your organisation or individual name will be identified along with your submission)
- ☐ Do not publish my submission online
- ☐ Publish my submission online anonymously

**Note:** by selecting "publish my submission online" or "publish my submission online anonymously", you accept Safe Work Australia:

- has the right to decline to publish a submission online if does not meet Australian Government accessibility requirements, and
- may change or convert a submission to conform with [accessibility requirements](#).

### **Terms and conditions**

☒ I have read and understand the [terms and conditions](#) for making this submission.

### **Privacy notice**

Safe Work Australia collects, uses and discloses your personal information when you respond to our consultation paper on WHS incident notification, in accordance with the *Privacy Act 1988* (Cth). We collect this information to help us perform one of Safe Work Australia's core functions in evaluating and, if necessary, revising the model WHS legislative framework and other WHS materials

If you do not wish to disclose your personal information, you can choose not to include identifying information on the cover sheet and in your submission. However, if we are not able to collect your personal information, we will not be able to contact you for any further consultation if needed. If you choose not to provide details about your occupation, this may limit our understanding of the implementation of potential options across different industries.

For more detailed information about how Safe Work Australia collects, uses and discloses your personal information in relation to your consultation response, please refer to our Privacy Collection Notice.

### **Confidential material**

Where a submission includes both confidential and non-confidential material, the confidential material should be provided under a separate cover sheet and clearly marked 'IN CONFIDENCE'. Material marked 'in confidence' will not be placed on the website.

### **Disclosure of submissions**

Any submission, regardless of whether it is published, must be released if requested under the *Freedom of Information Act* 1982 (Cth), unless an exemption applies. Your personal information may also be disclosed to third parties in accordance with our Privacy Policy, including where disclosure is authorised or required by law.

### **Copyright**

Copyright resides with the author(s), not with Safe Work Australia.

Neither the Commonwealth of Australia nor Safe Work Australia takes responsibility for any breach of the copyright, or libellous or defamatory comments in submissions published by Safe Work Australia.

# PUBLIC COMMENT

## Consultation on WHS incident notification

### Instructions

To complete this online submission:

- Download and save this submission document to your computer.
- Use the saved version to enter your responses under each question below. You do not have to answer all questions or sections if you do not wish to.
- Once you have completed your submission, save it and upload it using the link on the Engage submission form.
- You can also upload any other documents needed to support your submission to the Engage submission form.
- This template can be used as a guide for making a submission. If you wish to provide your submission in another format or provide a general statement, you may do so.

Submissions will be accepted until **10am (AEST) on Monday 11 September 2023**.

### Help

If you are experiencing difficulties making your submission online, please contact us at [INConsult@swa.gov.au](mailto:INConsult@swa.gov.au)

Respondents may choose how their submission is published on the Safe Work Australia website by choosing from the following options:

- submission published
- submission published anonymously
- submission not published.

For further information on the publication of submissions on Engage, please refer to the [Privacy Collection Notice](#), [Safe Work Australia Privacy Policy](#) and the [Engagement HQ privacy policy](#).

In your submission, please do not include the following information:

- defamatory material
- views or information identifying parties involved in hearings or inquests which are currently in progress, and
- specific or graphic details of cases involving suicide and attempted suicide, workplace violence, sexual assault, exposure to trauma, and bullying and harassment that may cause distress to other readers.

If you have indicated that you would like your submission to be published on Engage and you include the above information in your submission, we may choose not to publish your submission.

# Your details and background

Luke Chippindale, General Manager Government Relations and Corporate Communications

## About Caravan Industry Association of Australia

The Australian Caravan and Camping industry is a \$27.1 billion industry that directly employs 53,000 people, manufactures locally more than 20,000 vehicles per annum, services over 740,000 vehicles on the road, generates 12 million trips and 60 million visitor nights in caravan parks across the country.

Caravan Industry Association of Australia Ltd is the peak national body representing the Caravanning and Camping Industry in Australia. As an association representing the sector we undertake a number of activities each year aimed at increasing awareness of the industry, improving the industry and encouraging consumer participation within the sector. These activities include TV cooperatives, online marketing activities, advertising, PR activities, research, advocacy, lobbying, Recreational Vehicle Manufacturer's Accreditation Program (RVMAP) and a parks accreditation program, plus an annual conference.

Name or organisation

Caravan Industry Association of Australia

Email used to log into Engage

[REDACTED]

## General feedback

Please provide any general feedback about the issues raised in the consultation paper here.

### Assessment of Current Gaps and Impacts

**Support:** Yes.

**Rationale and Evidence:** Understanding the current gaps is vital to ensuring that WHS regulations are as effective as possible. The gap analysis undertaken, highlighting the notification of immediate physical incidents is an important one. In saying this, operationalising the reportable activities within the gap, i.e. psychosocial and mental health reportable activities will require extensive work and consultation in order to be effective, worthwhile and easy for business to implement and maintain.

### Support for Proposed Option(s)

**Support:** Partially.

**Rationale:** While the intention behind the proposed options is commendable, there are concerns about the feasibility and appropriateness of some requirements, especially for caravan parks and land lease communities. The transient and diverse nature of these communities presents unique challenge. When considering workforce reporting, such is the dynamic of many parks and communities, reporting incidents that may be due to comorbidity, correlated or through accumulation becomes very subjective. Extensive consultation with industry will be required in order to operationalise any reporting for such incidents.

**Evidence:** Instances of workplace violence or trauma exposure might be frequent but not always critical, observable, or overt. Further to this, immediate reporting of every minor incident can overwhelm management, detracting from real-time incident management.

### **Practical Impact of Option(s)**

#### **Costs:**

- Increased administrative costs for tracking, reporting, and managing WHS incidents.
- Potential costs related to staff training on the new regulations.

#### **Benefits:**

- Improved visibility can lead to enhanced safety measures and fewer serious incidents.
- A structured reporting system might provide better insights into recurring issues and areas of concern.

**Evidence:** Industry does not currently have any workforce research in this area

### **Unintended Consequences**

#### **Potential Consequences:**

- Over-reporting of minor incidents may lead to an overburdened WHS regulator system.
- Staff might feel overwhelmed, leading to potential under-reporting to avoid paperwork.
- Resourcing and costs associated with increased reporting leading to increased stressors

#### **Mitigation:**

- Clear guidelines on the severity and type of incidents that need immediate reporting.
- Periodic review of the system to identify and rectify any issues of over or under-reporting.

### **Alternative Suggestions**

**Suggestion:** A tiered reporting system where incidents are categorized based on severity.

- **Tier 1** (Immediate Reporting): Critical incidents with immediate threat or harm.

- **Tier 2** (Quarterly Reporting): Non-critical incidents or potential hazards.
- **Tier 3** (Annual Reporting): General observations, minor disputes, or concerns.

**Rationale:** This system would provide WHS regulators with a clear view of the most critical incidents while ensuring that caravan parks and land lease communities are not overwhelmed by reporting requirements. It would also ensure that less critical, but still important, incidents do not go unnoticed.

#### **Concerns:**

#### **Periodic Reporting on Periods of Incapacity for Work**

- The transient and diverse nature of these communities presents unique challenge. When considering workforce reporting, such is the dynamic of many parks and communities, reporting incidents that may be due to comorbidity, correlated or through accumulation becomes very subjective. Extensive consultation with industry will be required in order to operationalise any reporting for such incidents.
- Caravan parks and land lease communities have transient populations. This can make tracking and reporting on incapacities, especially short-term ones, difficult.
- The proposed changes would see an increased administrative burden on the park management to collect and maintain such data.

#### **Immediate Notification of Psychosocial Hazards – Workplace Violence**

- Staff in these communities are often exposed to spontaneous incidents, including drunken/violent guests, which can be frequent but may not always translate to serious threats. Further to this, due to parks and Land Lease communities being a microcosm of the broader community, frontline workers in the park are often subject to and witness activities that can cause undue stress and emotional turmoil. This shift in reporting could have significant impacts on, and place undue burden on an already stretched workforce.
- Immediate reporting could become an overwhelming task and potentially distract from the immediate need to address and manage the situation.

#### **Periodic Reporting on Psychosocial Hazards – Bullying, Harassment, and Exposure to Trauma**

- Given the communal living nature, there can be recurring instances of disputes between residents or between managers and residents, making it challenging to categorise and report every instance.
- Exposure to trauma, such as incidents involving elderly residents or pool drownings, can be particularly distressing, and while they need to be addressed, immediate reporting might not always be feasible.

#### **Recommendations:**

#### **Provide Clear Definitions and Thresholds**

- Clearly define what constitutes "workplace violence", "bullying", "harassment", and "exposure to trauma". A threshold for reporting, especially for minor incidents, could be beneficial.
- Without clear and defined parameters for reporting requirements, particularly regarding the clear interpretation of definitions related to reportable activities, reporting would be endless.

#### **Allow for a Graded Reporting Mechanism**

- Consider a system where not all incidents require immediate reporting. For instance, non-critical incidents could be reported within a week, giving staff time to manage the situation.

#### **Non-mandatory reporting**

- All non-immediate reporting be made to be self-reporting or non-mandatory reporting

#### **Training and Support for Caravan Parks and Land Lease Community Staff**

- Provide specialised training modules tailored to the unique challenges these communities face. This can help staff effectively identify, manage, and report incidents.

#### **Feedback Loop**

- Establish a system where caravan parks and land lease communities receive feedback and guidance on reported incidents, helping them improve their internal safety mechanisms.

*Please duplicate the following set of questions when responding to multiple chapters of the consultation paper (note Ch 10 has a specific set of questions – refer below).*

#### **Which chapter you are referring to in your response below?**

Chapter 5 – Incapacity period

Do you support the assessment of current gaps and impacts of addressing those gaps? Please provide any supporting information and evidence.

**Support:** Yes.

**Rationale and Evidence:** Monitoring periods of incapacity is an insightful approach to understanding the long-term impacts of work-related injuries and illnesses. Such an approach might provide regulators with a nuanced understanding of the after-effects of workplace hazards, especially those that aren't immediately evident. For caravan parks and land lease communities, which might have varied job roles and responsibilities, recognising these prolonged absences will help highlight specific job roles or tasks that could be inherently riskier. Operationalising and clearly defined intentions and reporting mechanisms will be required in order for appropriate and meaningful reporting to occur.



Concerns remain over the reporting burden and the contributing impacting of reporting to burnout, anxiety and stress. This can be overcome through reporting being non-mandatory.

Do you support the proposed option(s)? Please explain why or why not and provide relevant evidence to support your views where possible.

**Support:** Yes, with reservations.

**Rationale:** Introducing a periodic reporting system for incapacity periods of ten or more days can certainly assist in bringing prolonged illnesses or injuries to light. However, the application should be sensitive to the nature of incapacity. It's essential to differentiate between psychological and physical injuries, as their origins and treatments can vary considerably.

**Evidence:** Historical data from our caravan parks show that employees in certain roles tend to have prolonged absences due to the nature of their duties, while others might be absent due to non-work related issues. Clear definitions regarding reportable activities need to be established, non-mandatory reporting to be recommended as not critical.

What practical impact, including costs and benefits, would the option(s) have on you, your organisation or your stakeholders? Please provide any details or evidence supporting your views, including the option's likely impact on WHS outcomes or any compliance costs or concerns.

#### **Practical Impact of Option(s)**

##### **Costs:**

- Potential administrative costs for tracking prolonged absences and the reasons for them.
- Increased managerial oversight to ensure compliance.
- Potential increase in psychosocial implications due to increased workload or administrative burden

##### **Benefits:**

- Enhanced understanding of long-term harm related to specific job roles.
- Ability to make necessary changes in job roles or environments to reduce prolonged incapacity in the future.

**Evidence:** Industry is currently suffering significant workforce and skills shortages. Increases in role requirements or additional resources due to increased reporting have a real potential to flow onto adverse outcomes.

Are there any likely unintended consequences of the proposed option(s)? How could these be best mitigated?

**Potential Consequences:**

- Employees might feel hesitant to take necessary time off, fearing that it might bring undue attention to them or their job roles.
- There's potential for misclassification or misunderstanding the true cause of the incapacity, especially if it's a combination of workplace and personal factors.

**Mitigation:**

- Foster a culture that emphasises employee well-being over mere statistics, ensuring workers feel safe to prioritize their health.
- Detailed investigations into long-term incapacities to ensure that the root cause is correctly identified and addressed.

Do you have another suggestion or preferred option for addressing the gap in WHS regulator visibility?

**Alternative Suggestions**

**Suggestion:** Introduce a graded system based on the nature and severity of the incapacity.

- **Severity A** (Immediate Reporting): Incapacities that result from acute workplace incidents.
- **Severity B** (Quarterly Reporting): Incapacities that might have been influenced by workplace conditions but are not directly attributable to a specific incident.
- **Severity C** (Annual Reporting): Incapacities that are not directly related to workplace incidents but warrant monitoring due to their prolonged nature.

**Rationale:** This tiered approach takes into account the various nuances of incapacities, ensuring that WHS regulators have a well-rounded view of the situation while reducing unnecessary administrative burdens.

Thank you for the opportunity to provide feedback. As always, we aim to ensure the well-being and safety of all employees and appreciate any initiatives that further this goal.

# Additional questions (for specific chapters)

## Chapter 7 - Capturing workplace violence

Are there particular types or circumstances of workplace violence that you think should or should not be notifiable to the WHS regulator that are not dealt with by the proposed option and descriptions? What would be the implications of including or excluding these incidents?

### Proposed Inclusions:

- **Verbal Abuse and Intimidation:** While not causing immediate physical harm, repeated or severe verbal abuse and intimidation can have profound psychological impacts on an employee, which may manifest as anxiety, depression, or other stress-related conditions over time.
- **Cyberbullying:** In today's digital age, threats, abuse, or bullying might not always happen face-to-face. Online or digital harassment and threats should also be under the purview of workplace violence.
- **Stalking:** Stalking by colleagues or by external parties due to workplace affiliations should also be included, as this represents a significant threat to personal safety.

### Proposed Exclusions:

- **Minor Verbal Disagreements:** Everyday disagreements or arguments that don't involve threats or manifest signs of escalating into physical confrontations might not need immediate notification.

### Implications of Inclusion/Exclusion:

#### For Inclusions:

- **Increased Workload for WHS Regulator:** A broader definition might result in an increased number of reports to the WHS regulator, thereby increasing their workload.
- **Better Mental Health Outcomes:** Recognising and addressing less tangible forms of violence early on can help prevent their escalation and contribute to better mental health and workplace harmony.
- **Increased Awareness and Training:** Increase in cost through requirement to invest in training programs to better equip employees to recognise, report, and combat the broader range of violent behaviours.

#### For Exclusions:

- **Potential for Escalation:** By excluding minor verbal disagreements, there is a risk that these situations might escalate if not addressed promptly. However, deeming them as non-notifiable allows organisations to manage such incidents internally without overburdening the WHS regulator.

- **Reduced Administrative Burden:** Narrower criteria will reduce the number of incidents reported, leading to decreased administrative duties for businesses.

**Conclusion:**

In the context of caravan parks and land lease communities, where diverse groups of people interact frequently, it's vital to recognise the full spectrum of violent behaviours and threats. While we understand and appreciate the intent to prioritise the most severe incidents, ensuring a comprehensive approach to workplace violence will foster a safer and more inclusive environment for all stakeholders.

## **Chapter 10 - Long latency diseases – exposure to substances**

Should exposure to hazardous substances in the workplace that cause latent diseases be recorded and reported? If so, for which substances?

Yes, exposure to hazardous substances in the workplace that can cause latent diseases should be recorded and reported.

How are exposures to hazardous substances currently measured in the workplace (for example, air and health monitoring)? Do you have suggestions for options to improve monitoring to provide a better understanding of exposure to hazardous substances in the workplace?

Due to the limited exposure of such substances, localised or event dependent monitoring is undertaken. No structured monitoring is in place.

**Suggestions:**

- **Regular Training:** Ensure that workers are trained in the proper use and maintenance of personal protective equipment, and understand the risks associated with the substances they work with.

With regards to air monitoring, how are exceedances of the WES captured? Do you think recording and reporting WES exceedances is a good way to identify exposure to hazardous substances in the workplace? What other ways could exposures be recorded and reported?

Due to the limited exposure of such substances, localised or event dependent monitoring is undertaken. No structured monitoring is in place.

Should PCBUs be required to keep records of statement of exposure documents and make them available for inspection by the regulator? Should the statement of exposure requirement be broadened from prohibited or restricted carcinogens to include other substances which are known to cause long latency diseases? If yes, how should these substances be identified?

Yes, PCBUs should be required to maintain these records. If and when exposures occur in a simple and easy to register reportable way.

## **Chapter 15 - Addressing minor gaps and ambiguities in the current incident notification provisions**

### **Medical treatment for exposure to a substance**

What health professionals should be covered by the definition of 'medical treatment'? Please provide reasons, including examples of what treatment the health professional is likely to provide for which type of exposure.

The definition of 'medical treatment' should encompass a broad range of health professionals to account for the diverse impacts of substance exposure. Different substances and exposure levels can manifest in a variety of health issues, and a comprehensive approach to medical treatment requires collaboration among multiple health specialties. Properly defining and recognising the roles of these professionals in the context of WHS is vital for ensuring comprehensive care for affected workers.