

INDEPENDENT REVIEW OF SAFEWORK SA

TERMS OF REFERENCE

Background

SafeWork SA is South Australia's work health and safety regulator, responsible for administering 29 pieces of legislation including compliance and enforcement under the *Work Health & Safety Act 2012* (SA) (**WHS Act**).

Since 2017, SafeWork SA has been the subject of extensive reviews including a 2017 review of the investigation and prosecution function undertaken by a senior prosecutor from the Office of the Director of Public Prosecutions (**ODPP**), a 2018 Public Evaluation by the Independent Commissioner Against Corruption, and numerous recommendations from coronial inquests concerning workplace deaths.

During the 2022 South Australian State Election, the Government committed to undertake a 'root-and-branch review' of the practices and processes of SafeWork SA to improve workplace safety, deliver prompt action on safety concerns, support improved physical and mental wellbeing in our workplaces, and ensure a genuine voice for workers in complaint and resolution processes.

The purpose of the review is to undertake a comprehensive assessment of SafeWork SA's compliance and enforcement functions, to ensure that SafeWork SA is a nation leading regulator.

Terms of Reference

The review will be undertaken by a Reviewer independent from Government.

The scope of the review is to inquire into, report, and make recommendations to the Minister for Industrial Relations and Public Sector on the following matters:

1. The effectiveness of SafeWork SA's compliance and enforcement functions including complaints, inspections, investigations, prosecutions, and witness and family support.
2. SafeWork SA's implementation of recommendations arising from the review undertaken by a senior ODPP prosecutor, 2018 ICAC Evaluation, internal audit recommendations, and coronial inquests into workplace deaths.
3. Appropriate measures to ensure that workers and their representatives (including Health & Safety Representatives), and the families of deceased workers, have a genuine voice in the complaints, investigation, and enforcement process.

4. Engagement between SafeWork SA and other government agencies to monitor and improve workplace safety.
5. Recommendations as to any other matters that may arise during the review.

The Reviewer will consult with interested parties as they see fit and will receive submissions from the members of the public.

The Reviewer may also consult with a stakeholder reference group including both industry and union representatives.

The Reviewer will provide a final report to the Minister for Industrial Relations and Public Sector by 31 December 2022.

The review will be publicly released after it is provided to the Government.