



Finance,
Services &
Innovation

Medium Rise Construction Project Evaluation Report

January 2018



Document Change Control

Version	Author(s)	Comments	Date
0.1	Florent Gomez	Draft report	22/12/2017
0.2	Florent Gomez	Revised draft report incorporating suggested changes from Kerrie Burgess	08/01/2018
0.3	Florent Gomez	Revised draft report incorporating suggested changes from Marianne Wells and Michelle Veljanovska	30/01/2018
0.4	Florent Gomez	Final report following review and approval from the project sponsor, Kathryn Heiler	26/02/2018

Document Sign-Off

Evaluation Sponsor

Name (Position)	Approval date
Kerrie Burgess (Better Regulation Division Governance, Operations and Performance, Director)	05/01/2018

Project Sponsor

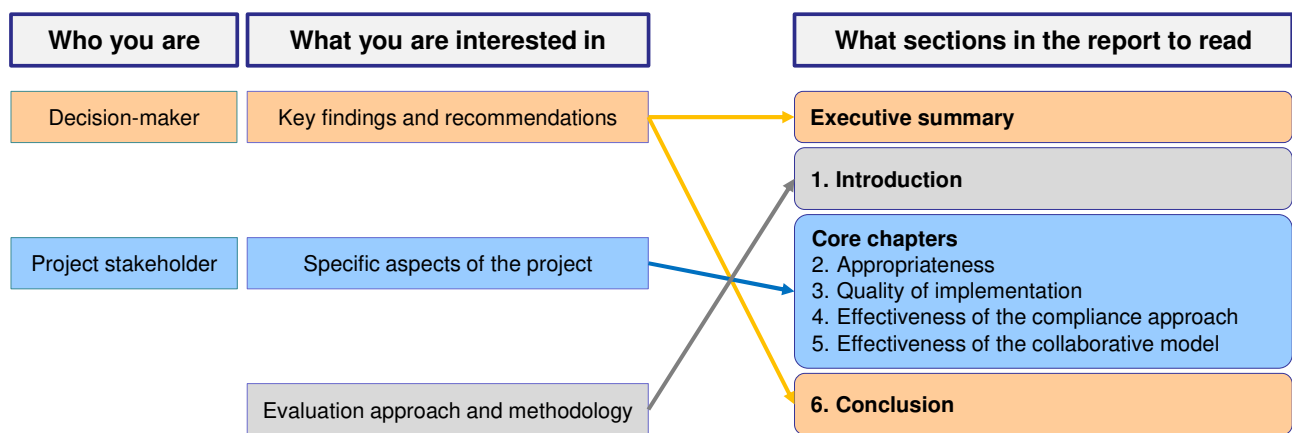
Name (Position)	Approval date
Kathryn Heiler (SafeWork, Construction and Asbestos Services, Director)	23/02/2018

This document

How to read

This report has several levels of reading depending on the role or perspective of the reader as explained in the reading guide pictured in Figure 1. Sections have active headings in the form of key findings to make it easier for the reader to identify areas of interest.

Figure 1. How to read guide



Acknowledgement

We would like to thank key informants from SafeWork, Fair Trading, as well as businesses we interviewed as part of this evaluation. We thank them for their time and insights and trust that their views are adequately represented in this report.

The evaluation team

Florent Gomez, Elizabeth de Vries, Marianne Wells

Table of contents

Executive summary	7
1. Introduction.....	11
1.1 The Medium Rise Construction project	11
1.2 The evaluation	15
1.3 Confidence in the findings and limitations	19
2. Appropriateness of the project design.....	21
2.1 The project design suffered some initial flaws, but proved to be flexible.....	21
2.2 While being an industry of interest for both regulators, synergies were limited because of a different compliance focus	23
2.3 Sites visited were from the targeted industry, however with no particular compliance profiling.....	25
3. Quality of implementation	28
3.1 The project was implemented within the intended timeframe and exceeded the target number of visits thanks to the regional visits	28
3.2 In general, SafeWork inspectors had a positive experience of the project.....	28
3.3 Regional visits were implemented slightly differently to Metro visits	30
3.4 Areas for improvement were identified around processes and systems supporting project delivery	31
4. Effectiveness of the compliance approach.....	33
4.1 Businesses reported a positive experience of the visit	33
4.2 The project helped improve awareness of WHS requirements among visited businesses ...	34
4.3 The data collected for Fair Trading allowed to identify licensing breaches	37
5. Effectiveness of the collaborative model.....	40
5.1 The collaboration component was limited, making it easier to embed it into existing processes	40
5.2 Intelligence sharing and opening the door for sustained collaboration were the main benefits.....	41
6. Conclusion	44
6.1 Overview of key findings	44
6.2 Recommendations	44
Appendix 1. Inspection checklists	47
Appendix 2. Interview guides	52

Table of Tables

Table 1.	Key evaluation questions.....	16
Table 2.	Number of interviews, by type of stakeholder.....	18
Table 3.	Differences in compliance approaches between SafeWork and Fair Trading (simplified)	25
Table 4.	Types of construction projects visited, Fair Trading checklist data.....	26
Table 5.	Level of WHS compliance against some questions from the Formwork Hazard Prevention project checklist, all Formwork project visits.....	35
Table 6.	Level of Fair Trading licensing compliance for Head contractors and Trades.....	37
Table 7.	Fair Trading inspection outcomes for Head contractors and Trades	38
Table 8.	Recommendations for future collaborative regulatory projects.....	46

Table of Figures

Figure 1.	How to read guide	3
Figure 2.	Program logic	14

Glossary

Term	Definition
BAU	Business As Usual
BRD	Better Regulation Division
CRP	Commerce Regulation Program
DFSI	NSW Department of Finance, Services and Innovation
HPP	Hazard Prevention Project
PCBU	A 'person conducting a business or undertaking' (PCBU) is a legal term under WHS laws for individuals, businesses or organisations that are conducting business. A person who performs work for a PCBU is considered a worker.
WHS	Workplace health and safety
WSMS	WSMS stands for <i>Workplace Services Management System</i> and is used by SafeWork NSW and its inspectors to record interactions between PCBU's / employers and SafeWork.

Executive summary

The Medium Rise Construction project

The Medium Rise Construction project was one of three collaborative regulatory services projects initiated under the former Commerce Regulation Program (CRP), whose objectives were to make it easier for businesses to comply and maintain workplace and consumer protections, and improve harm prevention and consumer protection. The project involved SafeWork inspectors visiting medium rise construction sites to check specific WHS aspects. During the visits, data was collected on behalf of Fair Trading around trades licences and retention monies for contracts over \$20 million (funds set aside on a Trust fund to ensure subcontractors are getting paid). The SafeWork component of the project was based on a pre-existing SafeWork project, the Formwork Hazard Prevention project, which focused on scaffolding, electrical work and formwork.

The project was delivered between November 2016 and the end of June 2017. Over this period, 222 visits were conducted by SafeWork inspectors, 96 in metro and 126 in regional areas. Regional visits were slightly different to metro visits: the range of sites targeted was broader, the SafeWork checklist covered more items, and some of the visits were conducted jointly with a Fair Trading inspector; however, the Fair Trading checklist, which was the core element of the collaborative component of the project, remained the same.

The evaluation

The purpose of the evaluation was twofold:

- assess the effectiveness of the project in achieving its specific objectives in relation to improving compliance and experience of businesses in the medium rise construction industry
- assess the effectiveness of the collaborative approach and draw lessons learnt for future collaborative projects.

The focus was on the collaborative component with a view to generate learnings for future collaborative projects.

The evaluation relied on a mix of methods, with in-depth interviews being the core method to explore participants' experience of the project. A total of 27 individuals were interviewed: 7 businesses, 12 inspectors (10 SafeWork inspectors and 2 Fair Trading inspectors) and 8 internal project stakeholders. The evaluation also used some project data about the number of visit and aggregated outcomes, detailed Fair Trading assessment data, and SafeWork checklist data from the overall Formwork Hazard Prevention project to give an indication of the level of WHS compliance observed.

The evaluation team was able to implement the methods largely as intended. The number of in-depth interviews conducted across the different stakeholder groups is deemed appropriate to capture the experience of participants. The evaluation did not have access to WHS compliance

outcome data; however, this was not the core component of the evaluation which was focusing on the collaborative component.

Key findings

The project targeted an industry of interest for both regulators, however synergies were limited

The targeted medium rise construction industry was of interest to both SafeWork and Fair Trading. However, several stakeholders felt that synergies were limited because of a different compliance focus. SafeWork is concerned with workplace safety, while Fair Trading focuses on consumer rights, which in relation to the construction industry are protected through licences. This has implication in terms of the stages of the build the respective regulators are targeting: whereas Fair Trading focuses on the closing stage where more licensed trades are involved, SafeWork inspectors are more likely to target the earlier stages where the building is erected, and risks are higher for workers.

Several internal project stakeholders flagged some flaws in the initial design and felt it had been rushed. While the project proved to be flexible, in particular by extending to regional visits, stakeholders recommended some more preliminary research and engagement with the industry to inform future collaborative projects. A more robust design process would identify policy issues across regulators where collaboration would offer an appropriate solution.

Sites visited through the project were actually from the targeted medium rise construction industry. Almost half of them were residential units and a further third were commercial units. Metro visits were identified based on inspectors' local knowledge and requests for service; regional visits were conducted based on heat maps to identify regional construction activity hot spots. However, there was no specific profiling process to target the types of sites likely to have both WHS and licensing compliance issues.

The project was successfully implemented with regional visits allowing to exceed the initial target

The project was implemented within the intended timeframe and exceeded the initial target of 150 visits. By the end of June 2017, a total of 222 visits had been conducted, which is 48% more than the initial target of 150. Out of these 222 visits, 192 had a Fair Trading checklist completed and sent to Fair Trading for assessment, making 86% of the total number of visits.

SafeWork inspectors generally had a positive experience of the project, finding that it was a simple project and did not report any particular issue with the project material. Visits took on average two hours, however varying between 20 minutes and 4 hours depending on the number of safety issues identified. Regional visits were slightly different from the Metro visits with a broader range of sites targeted and a WHS checklist that covered a broader range of aspects.

A few areas for improvement were identified regarding the delivery of the project, in particular:

- Further clarification about the use of power under a different legislation
- Provide regular feedback about the assessment and outcomes of data being shared
- Developing clear referral processes across regulators

Businesses improved awareness of WHS and licensing requirements

Businesses interviewed reported a positive experience of the project. Businesses commented positively about the inspector's interpersonal skills, professionalism, knowledge and the time he or she took to provide advice which they found helpful. Most of the businesses said there was nothing negative about the visit (5 out of 7).

Data from the overall Formwork project (of which the Metro visits were part of) showed a high the level of WHS compliance. However, some businesses were still not compliant on critical areas representing high risk for workers, in particular in relation to falls from height. For instance, out of all Formwork visits (not only the Medium Rise Construction visits), 29% of businesses did not have scaffold edge protection provided where a person could fall, and the formwork did not have adequate fall protections for more than a quarter of the sites visited. The project contributed to improve compliance against such issues through the notices issued by SafeWork inspectors (not analysed as part of this evaluation). Feedback from businesses also indicated that visits improved businesses' awareness with evidence of actions being taken following the visits, for instance through improved toolbox meetings.

The data collected for Fair Trading showed that most head contractors and specialist trades were appropriately licensed. The level of licensing compliance ranged from 76% for air conditioning trades to 94% for head contractors. For those who were not compliant, breaches were minor and mainly related to discrepancies between the individual trade's licences and the company licence. Following Fair Trading assessment, a small portion of contractors and specialist trades were sent education letters to notify them of the breaches; no enforcement action has been taken. The project also collected data about retention monies held in a trust account for contracts over \$20 million and when specified as such in the contract. Out of 30 projects in this case, 15 were found to be compliant, and 12 received an education letter, with the remaining 3 under assessment.

The collaborative component had limited direct benefits, but may have triggered a shift in mindset which would be beneficial for future collaboration

The collaboration component of the project was mainly limited to SafeWork inspectors collecting data on behalf of Fair Trading, which meant that the impact on agencies' resources was quite limited. Most inspectors were supportive of collecting additional information for another agency.

While many inspectors felt that the project benefitted businesses by making them check that they were employing licensed contractors, the feedback provided by businesses does not clearly indicate that they directly benefitted from this aspect. Businesses' feedback was generally positive, but more in relation to the interaction they had with the inspector, which was part of SafeWork business as usual (BAU).

The main direct benefit from the collaborative component was around the new intelligence generated through Fair Trading, which was new and interesting data for Fair Trading, but not identifying critical compliance breaches. However, the project seems to have had some indirect benefits, by encouraging internal stakeholders to think more about collaboration, which may trigger future opportunities for such projects. There is evidence from the Joint Field Practice Reference Group, which brought together union representatives from both SafeWork and Fair Trading inspectorates, about a shift in mindset about collaboration. Some inspectors also maintained relationships with their counterparts which may serve as referral points in the future.

Recommendations

Most inspectors and internal stakeholders were supportive of SafeWork inspectors continuing to collect licensing information on behalf of Fair Trading. This would contribute to building intelligence about companies' licensing history. However, turning the project into BAU would require the appropriate resourcing, i.e. allocating some time from SafeWork inspectors as well as from the Fair Trading staff involved in the assessment.

Most popular options for future collaborative models included joint visits, data sharing and portals. Inspectors also referred to blitz operations and joint external communications, some of these being already done, but with a stronger and truly collaborative approach.

Key recommendations for future collaborative projects based on learnings from this project include:

- Develop the project based on robust research and data analysis to identify a policy issue where collaboration would be an appropriate solution
- Target industry sectors that are a priority for all partner agencies, i.e. based on risks or strategic priorities
- Engage the industry in identifying the problem and whether collaboration would provide benefits to the industry
- Ensure appropriate support from senior management
- Establish a dedicated project team with a project manager, some inspectors from both regulators, staff involved in assessment processes, and an administrative person
- Ensure regular feedback is provided to the partner agency about the assessment of the data collected
- Share outcome of the assessment to the business and/or the broad industry – as appropriate – to further promote improvement of compliance

1. Introduction

1.1 The Medium Rise Construction project

The Medium Rise Construction project was one of three Collaborative Regulatory Services project initiated under the former Commerce Regulation Program (CRP). The project was delivered between November 2016 and end of June 2017. Over this period, a total of 222 visits were conducted by SafeWork inspectors, 96 in metro and 126 in regional areas. Regional visits were slightly different to metro visits: the range of sites targeted was broader, the SafeWork checklist covered more items, and some of the visits were conducted jointly with a Fair Trading inspector; however, the Fair Trading checklist, which was the core element of the collaborative component of the project, remained the same.

1.1.1 Background

The Commerce Regulation Program was established based on the September 2015 DFSI Cabinet concept paper that established a commerce regulator in New South Wales (NSW). One of the expected outcomes for the foundational activities identified in the concept paper was “the collaborative delivery of some regulatory functions”. The principles of the Collaborative Regulatory Services Project are to design and deliver evidence-based projects that:

- support the delivery of innovative and balanced regulatory services through connected educational and compliance activities
- focus on making it easier for businesses to achieve compliance by communicating simplified consolidated information and specific advice on how to meet the disparate regulatory requirements, where possible
- improve regulator’s capability and capacity to proactively and strategically address risks from non-compliance, through improved intelligence sharing between agencies.

Following some small pilot projects delivered in June 2016, three Collaborative Regulatory Services projects were developed: the Regional and Remote Service Stations project, the Medium Rise Construction project and the Tree Work project. The Medium Rise Construction project was built on the pre-existing SafeWork Construction Formwork Hazard Prevention Project. The objective of the Formwork project was to improve workplace health and safety (WHS) outcomes around formwork by increasing awareness and knowledge of businesses to implement safe systems of work. To align with the SafeWork Construction Harm Prevention project visits, the Formwork project was conducted at multistorey construction sites (three storeys and higher) and covered scaffolding, electrical work and recover@work in addition to formwork safety WHS requirements.¹

¹ SafeWork, Focus On Industry Formwork Concrete Construction Services Project plan, February 2016

1.1.2 Project design

The project targeted NSW businesses engaged in the construction of medium rise multi-unit buildings, with a focus on falls from height, scaffolding, formwork, electrical work, workers compensation insurance and licensing. Medium rise buildings are understood as buildings between three and ten storeys high.

Regional visits, which were conducted between early May and end of June 2017, focused on commercial construction sites with a broader scope. It included:

- three storeys and above construction projects
- mixed retail and residential developments
- townhouse developments (more than 2 homes)
- tilt up panel projects
- all office block construction sites
- hospitals, airports and other government infrastructure

The key **project partners** were SafeWork and Fair Trading with CRP staff providing project management support (project design, weekly teleconferences, reporting).

The project included the following **components**:

- some visits by SafeWork inspectors to medium rise construction sites. The initial target was 150 visits; 222 were conducted in the end, 96 in the metropolitan area and 126 in regional NSW – some regional visits involved Fair Trading inspectors. During these visits, SafeWork inspectors checked WHS requirements around three aspects, scaffolding, electrical work and formwork, based on the SafeWork Construction Formwork Hazard Prevention Project checklist (Appendix 1.1).
- As part of these visits, SafeWork inspectors were collecting data on behalf of Fair Trading around
 - specialist trades licensing (electrical, plumbing and air conditioning)
 - retention monies (monies to be held in trust account for contracts over \$20 million to ensure sub-contractors are getting paid – only required if specified in the initial contract)
- The completed Fair Trading checklist (Appendix 1.3) was then sent to Fair Trading for assessment and follow-up actions as required, i.e. education or investigation.

The project was also initially designed to include a communication component where SafeWork and Fair Trading would have some joint communication activities towards the industry. However, the main product of this component was a flyer which was sometimes used by inspectors.

The **timeframe** for the project was from end 2016 to end of June 2017. The first visit using a Fair Trading checklist was conducted on 14 November 2016 and the last one was conducted at the end of June 2017 with the Fair Trading checklist being received by Fair Trading on 25 July 2017.

1.1.3 Project objectives

The objectives of the project as identified in the project plan were to

- support the Commerce Regulation Program objectives by making it easier for businesses, to comply and maintain workplace and consumer protections through
 - collaborative regulatory activities that are customer-focused
 - increased opportunities to share knowledge and expertise
- deliver improvements in harm prevention and consumer protection in the medium rise construction industry (also known as the mid-rise industry), particularly as it relates to:
 - falls from heights, scaffolding, formwork and electrical, workers compensation insurance
 - consumer protection, contract obligations and the compliance of work to standard arising from unlicensed contracting and work.

1.1.4 Program logic

The program logic in Figure 2 outlines the rationale and theory of change of the project.

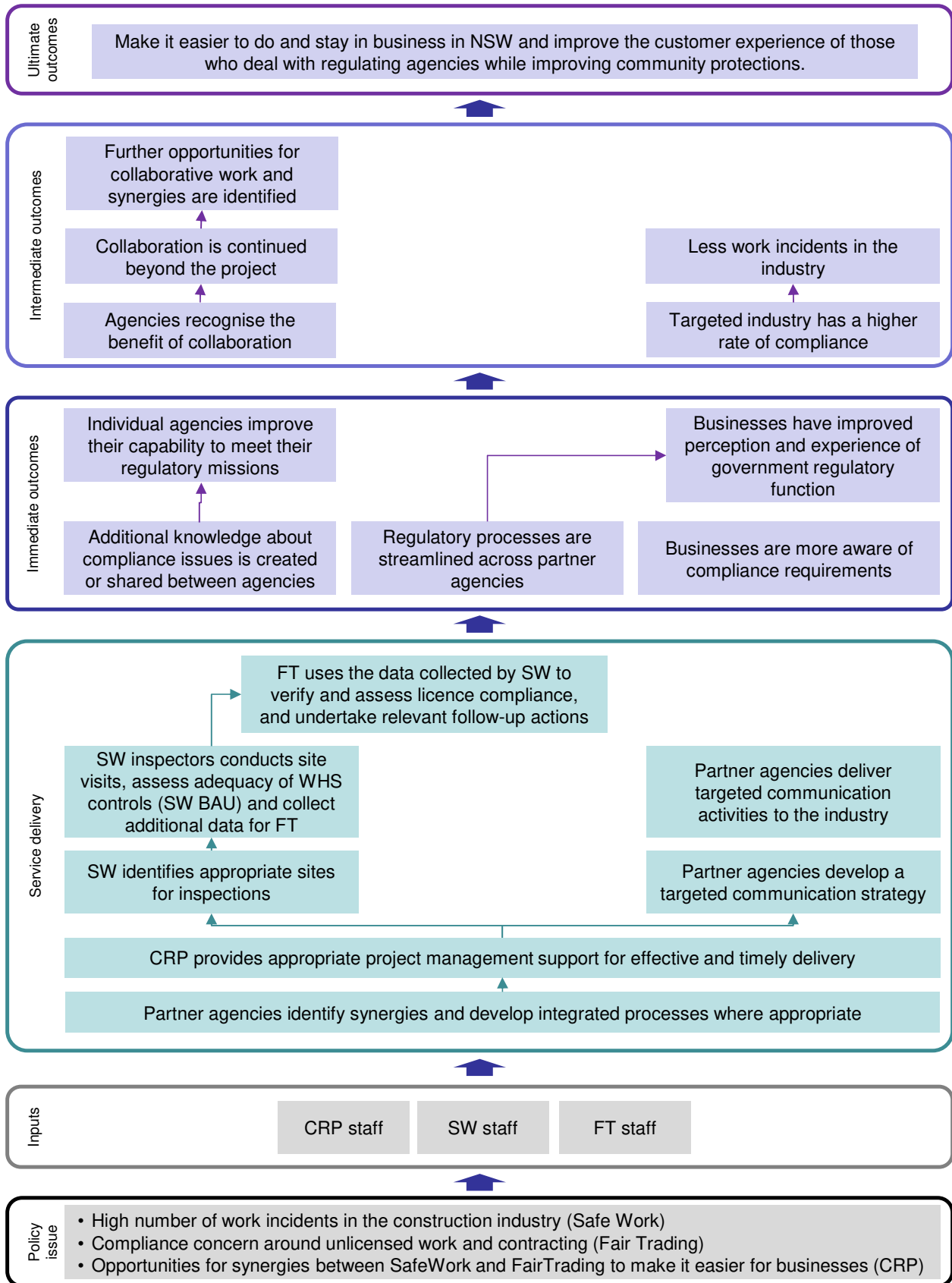
A program logic is a key evaluation tool, which is essentially a one-page diagram that represents the ideal sequence of outcomes a program intends to achieve. It is a tool used to:

- clarify and communicate the rationale of a project and its intended outcomes
- make causal assumptions explicit
- provide a framework for monitoring and evaluation activities.

The type of program logic used here is an 'outcomes hierarchy' approach that works from bottom to top, showing the initial policy issues or opportunities that triggered the project, then the key inputs to the project, the project activities used to generate some immediate outcomes, which in turn generate intermediate outcomes, which ultimately contribute to long term outcomes which are the organisation's overarching goals.

The three initial key policy issues that triggered this project were: the high number of work incidents in the industry; compliance concerns from Fair Trading about breaches around unlicensed work; and finally, the opportunity for synergies between SafeWork and Fair Trading. The response provided to these issues through the project was in the form of visits to medium rise construction sites where WHS requirements would be checked, as well as some Fair Trading requirements. These visits would generate new intelligence for both regulators as well as improve compliance of the industry on both types of requirements.

Figure 2. Program logic



1.2 The evaluation

1.2.1 Purpose

The **purpose** of the evaluation is two-fold:

- assess the effectiveness of the project in achieving its specific objectives in relation to improving compliance and experience of businesses in the medium rise construction industry
- assess the effectiveness of the collaborative approach and draw lessons learnt for future collaborative projects.

The **scope** of the evaluation is made of 222 visits of medium rise construction businesses that were conducted between November 2016 and end of June 2017.

The **focus** of the evaluation is on drawing lessons to inform future collaborative projects.

The **intended use** of the evaluation is to:

- identify opportunities to turn the project into Business As Usual, while identifying areas for improvement in the design and the way the project is being delivered;
- inform the design of future collaborative projects
- generate insights into compliance issues within the construction industry with a focus on medium rise.

1.2.2 Key evaluation questions

The evaluation answers 16 key evaluation questions across 6 evaluation areas as identified in the evaluation plan: appropriateness of the project design, quality of implementation, effectiveness of the project, effectiveness of the collaborative component and lessons learnt (Table 1). These questions are a mix of standard evaluation questions and questions of interest to key internal stakeholders as discussed during scoping interviews.

Table 1. Key evaluation questions

Evaluation area	Key evaluation questions	Section in the report where to find the answer
Appropriateness of the project design	1. To what extent does the project target important compliance issues in a critical industry?	2.2.2
	2. To what extent does the project target an area with some potential for synergies between regulatory agencies?	2.2.3
	3. How well did the development phase of the project allow for identifying the right industry/ compliance and synergies areas to focus on?	2.1
	4. How appropriate was the sites' selection process with regard to the project objectives?	2.3.1
Quality of implementation	5. Was the project implemented as intended?	3.1
	6. How different was the implementation of the project between metro and regional areas?	3.3
	7. To what extent were recommendations from previous evaluations or post project reviews implemented or still valid?	3.4
Effectiveness of the project	8. How was the experience for participating businesses?	4.1
	9. To what extent did the project improve the level of compliance within the medium rise construction industry?	4.2
	10. What other benefits did the project generate for the industry?	4.3
Effectiveness of the collaborative model	11. How was the experience of participating agencies (inspectors and internal stakeholders)?	3.2 and 5.1
	12. What was the impact of the project on agencies resources? Including differentiating between metro and regional areas.	5.1.3
	13. What benefits did the collaborative component generate for participating agencies compared to Business As Usual (BAU)?	5.2.3
	14. What impact did the collaborative component have on businesses?	5.2.1
Lessons learnt	15. What successful aspects of the project should become BAU?	6.2.1
	16. What form could future collaborative projects take?	0

1.2.3 Evaluation methods

The evaluation design includes both a process and an outcome evaluation component. The process evaluation is critical to draw learnings around how to design and implement collaborative projects in the future. The process evaluation assessed how well the project was implemented, with a focus on the inspectors' and businesses' experience. The outcomes considered were primarily Fair Trading inspection outcomes. The evaluation also provides some high level indication of the types of WHS outcomes achieved at the broader Formwork project level which will be evaluated separately, however not specifically related to the collaborative visits.

The evaluation relied on a mix of qualitative and quantitative methods, with interviews being the core method which reflects the focus of the evaluation to understand what worked or could be improved in future collaborative projects. Interviews allowed to go *in depth* to unpack the experience of businesses, inspectors and key project stakeholders. Project data from Fair Trading provided quantifiable information about *the extent* of compliance issues encountered against Fair Trading requirements and the direct impact of the project on businesses' capability in this regard.

a) Document review

The evaluation considered key project documentation, firstly to develop a sound understanding of the project, and secondly to assess the appropriateness of the project design. Key project documents reviewed included:

- The SafeWork Formwork Hazard Prevention Project checklist used for this project
- The Fair Trading checklist
- Visit protocol
- Medium Rise Construction Flyer

b) Site visit observation

The BRD Evaluation manager conducted a site visit observation on 17 May 2017 with a SafeWork inspector from the Metro Construction Services team. The site visited was a 6 storey construction site. The visit took 2 hours 45 minutes to complete; it involved the site manager and the business owner joined towards the end of the visit.

The site visit observation helped to develop a practical understanding of what the visits involved, the time it took, the different steps followed, and the type of experience it would represent for the business and the inspector.

Unfortunately, it was not possible to organise an observation of a regional visit due to limited availability from the Evaluation manager in June 2017.

c) Interviews

A total of 27 stakeholders were interviewed as part of this evaluation: 7 businesses, 12 inspectors and 8 internal project stakeholders. This compares with an initial target of 41 (Table 2), which

depended on the number of businesses that provided consent, and contacts provided for the other types of stakeholder.

A consent form was developed to collect consent from businesses visited to be contacted for follow-up interviews, but it was only finalised late in the project timeline, in May 2017, and was mainly used in regional visits. A total of 12 businesses provided written consent, with the additional one providing direct verbal consent through the site observation. Out of the 7 businesses interviewed, 6 were from regional visits and 1 had received a visit from the SafeWork Metro team. Less inspectors than anticipated were interviewed (12 against 23), most of Fair Trading inspectors declining because of limited involvement in the project. The target was met for the interviews with internal project stakeholders: 4 were from SafeWork, 2 from Fair Trading and 2 from the previous CRP team. Finally, it was not considered useful in the end to interview an industry peak body because of limited interaction with the project.

Ultimately, the number and range of interviews conducted is considered appropriate to reflect on the diversity of views about the project and draw learning for future collaborative projects.

Table 2. Number of interviews, by type of stakeholder

Stakeholder type	Target number of interviews (evaluation plan)	Contacts provided	Interviews conducted
Businesses	10	13	7
SafeWork inspectors	15	18	10
Fair Trading inspectors	8	8	2
Internal project stakeholders	8	12	8
Industry peak bodies	1	0	0
Total	41	51	27

Interviews were conducted between 16 October and 20 November 2017 by BRD Governance staff, mostly over the phone. Interviews took between 15 to 30 minutes for businesses to over an hour for internal project stakeholders.

Interview notes were then entered into an Access database to be able to extract the data collected across all interviewees question by question. The qualitative data was coded to identify key themes by order of frequency.

The analysis is reported in relevant sections of the report to answer the key evaluation questions. For closed questions, the distribution of responses is reported as raw numbers, e.g. 6 inspectors out of 13 agreed on such statement, and not percentages because of the small number of respondents. The evaluation report includes many quotes to illustrate how participants provided feedback about their experience in their own words.

d) Analysis of project data

Three types of project data were considered as part of this project:

- the overall project data about number of visits, and Fair Trading outcomes (aggregated) as reported through the project status updates generated by CRP staff
- the Fair Trading detailed data about the assessment of Fair Trading checklist data, outcomes and consequent actions
- SafeWork checklist data from the Formwork Hazard Prevention project, of which the 92 metro visits of the Medium Rise Construction project used the same checklist.

As part of this project, Fair Trading Regulatory Analysis & Assessment Branch developed an ad hoc spreadsheet to keep track of the Fair Trading visits data being assessed and the resulting outcomes. This spreadsheet is the main dataset that was analysed as part of the evaluation. The dataset covers 192 visits for which a Fair Trading checklist was filled in (out of the total 222 project visits), then sent to Fair Trading. The spreadsheet includes the raw data entered from the checklists and the outcome of Fair Trading assessment. The raw data from the checklist includes the Principal Contractors details including retention monies requirement from the contract, the Head Contractors details, information about the type of construction (residential, commercial, mixed), the type of work being performed (concrete flooring, rough electrical, etc.), licencing details of specialist trades (electrical, plumbing and air conditioning). The data is considered as good quality, and provides an accurate view of the project outcomes against Fair Trading requirements covered by the project. Only the information about the type of work being performed stopped being collected at some point as the Fair Trading checklist was being streamlined.

The SafeWork data collected from the Formwork checklists provided an indication of the type of WHS outcomes achieved by the project. The scope of the data was broader than the Medium Rise Construction project: it covered the overall Formwork project, of which the Medium Rise Construction project used the checklist. Data capturing 275 Formwork visits was entered in a SurveyMonkey online survey based on the checklists filled in by SafeWork inspectors. It was not possible to identify in the data which visits were part of the Medium Rise Construction project. However, it is not expected that the types of WHS outcomes would be in any way different for Medium rise construction visits as sites were selected in a similar way. So, this is considered appropriate to give an indication of the types of WHS outcomes achieved in the absence of project specific data (see limitation around WHS outcome data in the following section).

1.3 Confidence in the findings and limitations

The evaluation team was able to implement the methods largely as intended. We are confident that the data collected provides a sound basis for the evaluation to draw learnings from this collaborative project.

The evaluation faced some limitations in terms of the evidence available and data collected. These were mainly due to the nature of the project itself which was tied to an existing SafeWork project, the Formwork Hazard Prevention Project, and the late development of a detailed evaluation plan with the BRD Evaluation manager starting at the end of February 2017:

- Limited number of interviews with businesses, in particular from Metro visits
- Lack of evidence of WHS outcomes from the SafeWork component of the project

The evaluation could have benefitted from a larger number of interviews, in particular with businesses. These were limited due to the consent process that was added late in the project. A better practice for future projects is to embed the consent process in the inspector material from the outset (ideally by making it as easy as possible, e.g. through the use of tablets), and also to make sure to follow up with businesses along the way through an online survey or a brief phone interview. Arranging interviews after completion of the project brings the risk of businesses being less likely to recall their experience of the visit accurately.

Another limitation was the inability to specifically identify the WHS outcomes achieved through the SafeWork component of the visits. It was not possible to flag them in the SafeWork Formwork project checklist data nor in the corresponding SafeWork WSMS project for the Metro visits. With regard to the regional visits, the WSMS data was not available at the time of the evaluation. However, this was not the core focus of the evaluation, which was around the collaborative component. There is a plan to assess such outcomes in more detail in a dedicated Formwork project evaluation in particular by analysing SafeWork Workplace Services Management System (WSMS) data about notices issued. As part of this Formwork evaluation, it would be interesting to compare WHS outcomes achieved with any previous projects in the construction industry around similar aspects (scaffolding, electrical work and formwork) to identify any potential improvement.

2. Appropriateness of the project design

This section examines the project design, assessing the quality of the initial stage preceding the start of the project, and the appropriateness of the resulting project design itself. In particular, it assesses to what extent the targeted industry – medium rise construction – is appropriate with regard to the collaboration objective, by offering synergies between regulators.

This section answers the following evaluation questions:

- To what extent does the project target important compliance issues in a critical industry?
- To what extent does the project target an area with some potential for synergies between regulatory agencies?
- How well did the development phase of the project allow for identifying the right industry/compliance and synergies areas to focus on?
- How appropriate was the sites' selection process with regard to the project objectives?

2.1 The project design suffered some initial flaws, but proved to be flexible

2.1.1 Internal project stakeholders flagged some flaws in the development phase of the project

When asked about their views about the initial stage of the project, several internal project stakeholders were critical of the process that informed to the design of the project. Several stakeholders felt that there was actually limited design, not enough supporting research and planning, and that the process was rushed. A few stakeholders referred to the target number of visits (initially 150) which became the core driver for the project, i.e. to reach the numbers.

Flowing on from this rushed development process, one stakeholder described the project as 'collaboration for its own sake', and one inspector also felt that the project suffered from a lack of purpose:

Collaboration for its own sake rather than using collaboration as a mechanism to solve a specific problem. The solution was collaboration rather than properly identifying where there was an issue or problem where the regulators could work together. [Internal project stakeholder]

It's no good doing a project just for the sake of collecting information when you drive past a work place which could have people falling and breaking their legs just to get statistics. [SafeWork inspector]

Several stakeholders described the actual design of the project as replicating the existing SafeWork Formwork Hazard Prevention project with just the Fair Trading component added to it. One stakeholder felt that there was no real recognition of the work being done before.

Other criticism about the design of the project included the amount of paperwork generated initially, and the first version of the Fair Trading checklist which was perceived as cumbersome. One Fair Trading stakeholder also felt that the project would have benefitted from an earlier involvement of Fair Trading building inspectors – instead of investigators:

Only the initial scope or greater involvement from the building inspectors at an earlier stage, rather than our investigators. That was the only flaw in the conception of it. [Internal project stakeholder]

Learning from this experience, stakeholders were able to identify a few recommendations to design future collaborative projects:

- Make a better use of data to inform the project design
- Start from scratch instead of building on an existing project
- Start by identifying a problem where collaboration would be an appropriate solution
- Actively engage all interested parties in the design of the project, in particular the industry, through a true co-design process.

Early engagement with the industry was identified as key to identifying appropriate areas where collaboration could provide some benefits to the industry:

There needs to be more engagement with the industry in terms of what was actually needed, what would actually bring benefit, don't think that was done very well, or an understanding of what is it that Fair Trading does, what is it that SafeWork does and how that can actually be incorporated to provide those benefits. [Internal project stakeholder]

2.1.2 Joint visits were considered initially, and some were conducted in regional visits, but they presented some challenges

During the design phase, some joint visits were trialled, however this approach was not retained in the end. Several internal project stakeholders agreed that joint visits did not work because of a different compliance focus between SafeWork and Fair Trading. One stakeholder explained that SafeWork and Fair Trading were interested in different stages of the build, which made it difficult for joint visits.

The build of the construction, the stage of the construction has an impact on how much value each regulator would get from being on site. Fair Trading inspector would be more likely to find what they need in the close out phase, whereas SafeWork inspectors would find what they need before the construction finishes, before they put the roof, before all the external work was finished. It didn't match. They were some discussions about joint visits, but was decided to have SafeWork inspector going alone. [Internal project stakeholder]

Some stakeholders and inspectors also acknowledged that Fair Trading had limited resources which impacted on the ability to conduct joint visits.

Those joint visits just don't work. It's not good for the stakeholders, us doing bits of their [Fair trading] work and asking for information worked a whole lot better. Fair trading don't have the inspectors and most are in the city not in the regional areas. [SafeWork inspector]

However, some of the regional visits were conducted with both a SafeWork and a Fair Trading inspector, and the feedback was positive. This is further explored in section 3.2 about the differences in the implementation between metro and regional visits.

2.1.3 Flexibility in the project design allowed for a large number of regional visits to be conducted in a short amount of time

Despite some criticism to the initial design, the project proved to be flexible to accommodate for regional visits. The main driver for the change was to achieve the target number of visits. One of the internal project stakeholders indicated that this type of major change while the project was well under way was unusual, but that the response from the project team was very effective.

The only [project] I've been involved where there has been a big scope change in the middle of the project. [Internal project stakeholder]

Once the change was agreed, project stakeholders across SafeWork, Fair Trading and CRP were very responsive to make the required changes to the project design, develop new inspectors' material for regional visits and arrange for SafeWork regional inspectors to conduct the visits.

The learning from this experience is that agencies demonstrated their willingness and ability to collaborate effectively and in a dynamic environment.

2.2 While being an industry of interest for both regulators, synergies were limited because of a different compliance focus

2.2.1 Stakeholders and inspectors' understanding of the project objectives differed between the initial intent and the actual project delivery

When asked about their understanding of the project objectives, internal project stakeholders and inspectors had slightly different views. While internal project stakeholders referred to the initial intent of the project around 'reduced touchpoints', inspectors described what the project entailed in practice through collecting data on behalf of Fair Trading.

Internal project stakeholders most frequently referred to the project objective being to remove the duplication of inspection visits between SafeWork and Fair Trading. They also mentioned collecting and sharing information between regulators. Other objectives identified by internal project stakeholders included: improving the customer experience, making it easier for businesses and identifying opportunities for collaboration.

Most of the inspectors thought that the objective of the project was to collect information to pass onto Fair Trading, reflecting on their practical experience of the project visits. Some inspectors felt that the project was an opportunity for SafeWork and Fair Trading inspectors to work together. A few inspectors also indicated that the project aimed at addressing some of the risk linked to this industry, in particular “with the [current] boom in the construction”. Other objectives identified by inspectors included: providing additional resources to Fair Trading and reducing red tape. Some inspectors felt that the objectives of the project could have been explained better at the start of the project, but most of them did not feel their understanding of the objectives changed over the course of the project.

2.2.2 Internal project stakeholders agreed that the construction industry was appropriate for a collaborative project

Most internal project stakeholders felt that the construction industry in general was the right industry to target with regard to the project objectives around compliance and synergies across SafeWork and Fair Trading. They indicated that it was an industry of interest for both regulators. One stakeholder also felt that non-compliance in one regulatory area often means non-compliance in the other regulatory area – which would be interesting to back up by some evidence:

It's my understanding, although I've got no data to back this up, often you'll find areas flagged by Fair Trading that go hand in hand with safety issues: people who are not licenced are people who cut corners on safety. [Internal project stakeholder]

With regard to the sub-sector, internal stakeholders had diverging views: one explicitly said that it was the right sub-sector, another suggested it could have been broader, for instance to include low rise, and finally another one felt that it was not particularly appropriate for Fair Trading:

But for the medium rise that's not a place where Fair Trading would traditionally go into, no insurance involved, we're complaint driven, we do very targeted compliance activities, and those areas are pretty much well-regulated and don't affect consumers directly. [Internal project stakeholder]

2.2.3 Synergies between both regulators were limited because of a different compliance focus and approach

Several stakeholders felt synergies were limited despite being an industry of interest for both regulators, in particular because of a different compliance approach. The difference in compliance approaches is not only due to a different focus, but also different drivers for inspections (Table 3). Some stakeholders also feel that SafeWork may have a more advisory approach compared to a more enforcement driven approach for Fair Trading; however, there is no clear evidence to support this with Fair Trading also sometimes providing education before issuing fines or other sanctions.

Table 3. Differences in compliance approaches between SafeWork and Fair Trading (simplified)

Aspect	SafeWork	Fair Trading
Compliance focus	Work Health and Safety	Consumer Rights
Drivers for inspections	<ul style="list-style-type: none"> Reactive: request for Service Proactive, e.g. projects 	Complaints
<i>Compliance culture</i>	<i>Stronger advisory focus</i>	<i>Stronger enforcement focus</i>

The implication for the project is that synergies were limited which was highlighted through the pilot joint visits where both inspectors were looking at different aspects one after the other:

SafeWork inspectors would check safety issues, while Fair Trading inspectors would be waiting and vice versa. [Internal project stakeholder]

2.3 Sites visited were from the targeted industry, however with no particular compliance profiling

2.3.1 Sites were selected by inspectors based on their local knowledge, driving by and in response to requests for service

According to the initial project design, sites visited as part of the project would include a mix of reactive and supportive visits. Feedback provided by SafeWork inspectors indicate that they used a range of methods to select the sites to visit. Out of the 10 SafeWork inspectors interviewed, 6 said they visited sites in response to a Request for Service or a specific complaint, and 4 said they would drive or walk by to identify appropriate sites. Inspectors would use their local knowledge to identify appropriate sites within a targeted area where they knew medium rise construction projects were being undertaken:

I would go to areas I knew that had a lot of construction and then go from there and follow cranes. [SafeWork inspector]

Only one regionally based inspector indicated to have contacted the site manager beforehand to arrange the visit.

Internal project stakeholders confirmed that sites were generally selected by SafeWork inspectors based on their local knowledge, sometimes “crane chasing”. While regional visits relied on some heat mapping, some internal stakeholders felt that the project would have benefitted from a more structured approach to identify the sites that were of greater interest for both regulators. One stakeholder referred to targeting appropriate stages of the build, in particular in the context of joint visits:

We didn’t get the stages right many times, in terms of when you would get the most beneficial output from a joint visit. That to me was the biggest thing being able to target builds at the time when you would get the most out of it. It was very hit and miss in terms of the projects we went to. [Internal project stakeholder]

2.3.2 Sites visited were from the targeted medium rise construction industry sector

Limited data was available around the characteristics of the sites visited to assess to what extent they met the project criteria. However, based on the data collected from the Fair Trading checklists which were collected for 192 visits, the types of construction projects visited were the types of construction projects falling under the medium rise construction industry. Almost half of them were residential units and a further third were commercial units (Table 4). This is in line with the general feedback provided by inspectors and internal project stakeholders who felt that the sites visited were in line with the types of sites initially targeted.

Table 4. Types of construction projects visited, Fair Trading checklist data

Type of construction	n	%
Residential units	82	45%
Commercial units	62	34%
Mixed	36	20%
Other	2	1%
Total	182	100%
Missing	11	

2.3.3 There was no formal process in place to target sites likely to present higher risks for both regulators

Future collaborative projects would benefit from better use of compliance data from each of the regulators to identify sites that present a higher risk for both regulators. One stakeholder pointed out this was an area for improvement, as it meant that the project could target the types of sites that may have issues with both WHS and licensing.

Would like to see what are the highest risk industry for [Fair Trading] in terms of non-compliance or in terms of poor practice, and does that relate to then being work and safety issues as a result of these licensing issues and at the different stages. [...] That would help targeting specific high risk spaces; that would enable you to say actually at that place, there is also work health and safety risks. So, if we could identify that stage and those types of contractors, then a joint visit maybe would be very beneficial. But if we do it just off the cuff, then it's just luck. [Internal project stakeholder]

3. Quality of implementation

This section assesses the quality of the project delivery, and explores the difference between the visits in metropolitan area compared to regional visits. It answers the following evaluation questions:

- Was the project implemented as intended?
- How different was the implementation of the project between metro and regional areas?
- To what extent were recommendations from previous evaluations or post project reviews implemented or still valid?

3.1 The project was implemented within the intended timeframe and exceeded the target number of visits thanks to the regional visits

The project started late 2016 – the first visit with a Fair Trading checklist was conducted on 14 November 2016 – with a target number of 150 visits by the end of June 2017. By the end of the project, a total of 222 visit had been conducted, exceeding by 48% the initial target of 150.

Out of these 222 visits, 192 had a Fair Trading checklist completed and sent to Fair Trading for assessment, making 86% of the total number of visits. The difference between the total number of visits and the number of Fair Trading checklists assessed is due to several reasons:

- Some visits may not have the checklist filled in because the inspector did not have the checklist yet, e.g. at the beginning of the project or when regional visits started.
- For some of the construction sites visited, the Fair Trading checklist did not apply because they were at a stage of the build that did not involve the specialist trades covered for the project and for which licence details were being checked (electrical, plumbing and air conditioning).

3.2 In general, SafeWork inspectors had a positive experience of the project

3.2.1 Overall feedback from inspectors is that the project was straightforward

Most of the inspectors interviewed reported a positive experience of the project, that it was a simple project and did not see the Fair Trading component as a burden as it is perceived as straightforward. Only a couple of inspectors out of the 11 who answered the question felt that was a bit of hindrance and not part of their normal work. However, one inspector felt that it was more appropriate for SafeWork inspectors to conduct the visits because of more frequent contacts compared to Fair Trading:

I think in their minds [businesses] it was better as they were used to seeing us [SafeWork] and not Fair Trading [SafeWork inspector]

Internal project stakeholders had some more balanced feedback about their experience of the delivery of the project. Several were positive or felt that it was part of SafeWork Business As Usual work. Others felt that the project suffered from the lack of a clear rationale which was the result of a very rushed design phase. One stakeholder also felt that this collaborative project did not align well with its agency's priority work:

*And that actually takes us away from our priority work and our key work, which is about reducing fatality rate and harm rate, because we focused on something that probably doesn't fit in that high risk space. For me it kind of takes use away from that core function.
[Internal project stakeholder]*

3.2.2 Inspectors did not report any particular issue with the project material

When asked about the project material, inspectors were generally satisfied and did not identified anything to change.

SafeWork inspectors did not report any particular problem with the Fair Trading checklist (Appendix 1.3). The checklist has been reviewed and streamlined towards the end of the project, for instance by removing the question about the type of work being performed. While some inspectors asked the business representatives to fill in the checklist on the spot, it was quickly considered too time consuming, so most of the Fair Trading checklist were left for the business to fill in and scan back to a Fair trading email address.

Interestingly, most inspectors interviewed did not see, and so did not use, the flyer that was developed as part of the project to hand out to businesses. This confirms that the communication component of the project was not effectively implemented. The initial intent was to use the opportunity of the project to improve awareness of the industry more broadly around the targeted SafeWork and Fair Trading compliance requirements.

3.2.3 Visits took around two hours with the Fair Trading component taking limited time

The core component of the project were the visits. According to inspectors, visits generally took around 2 hours, ranging from 20 minutes up to 4 hours depending on the number of safety issues identified. During the visits, inspectors were checking the following items as they would go through the construction site and different storeys – depending on the stage of the build it was at:

1. SafeWork Formwork Hazard Prevention checklist:
 - a. Scaffolding, with a focus on risk of falls from height
 - b. Electrical work
 - c. Formwork
2. Fair Trading checklist – explained and left to the business representative to fill in:
 - a. Retention monies requirement depending on the value of the contract
 - b. Trades licensing: electrical plumbers and air conditioning

The Fair Trading component took a limited portion of the visit's time, as it was mainly about explaining the intent and the type of information requested, that the business would then have to provide after the visit.

Fair Trading work was done and dusted in 10 minutes [SafeWork inspector]

Most visits were unannounced, in line with the usual practice by SafeWork inspectors in the construction industry. Previous reviews of pilot collaborative projects conducted in June 2016 actually identified the 'following issue: 'lack of warning to allow for the right business representative to be made available on the day of the visit'. However, this issue was generally perceived as not valid for the construction industry for two reasons, one being a mobile industry, and second for the inspectors to be able to see how the site is usually managed.

It's about when we go to sites, they should have the appropriate supervision to run the site [SafeWork inspector]

However, this is different for Fair Trading, where the required documentation is rarely kept on the construction site, so that unannounced visits do not allow for checks to take place on the spot. This is another difference between SafeWork and Fair Trading inspection approach that limited the value of joint visits.

Often the information Fair Trading tries to get is in the head office. We left the sheet and they send it off to the head office. Not the same for safety information, it all has to be kept on site, but that information in terms of licences, head contractors is often kept in head office. [Internal project stakeholder]

3.3 Regional visits were implemented slightly differently to Metro visits

Towards the end of the project, the project team realised that it would be difficult to reach the targeted 150 visits. This was mainly due to the difficulty with mobilising metro inspectors in the context of stretched resources and critical reactive work, e.g. crane incidents. Consequently, it was decided to expand the project to regional visits. SafeWork regional teams engaged very effectively in the process and conducted 126 visits in May-June 2017.

Regional visits used the same Fair Trading checklist as Metro visits, however did not use the same SafeWork checklist from the Formwork Hazard Prevention Project (Appendix 1.1). They used a different checklist that was used in regional construction visits and had a broader scope (Appendix 1.2)

Another notable difference between Metro and regional visits is that some of the regional visits were joint visits involving both SafeWork and Fair Trading. Organising such joint visits was made easier by the fact that both agencies were already co-located in several regional offices. Feedback to those regional joint visits was positive:

Not sure how many, but when it came to regional visits, they were a number of joint visits. That provided the opportunity to business owners to talk to both Fair Trading and SafeWork people at the one time. And also provided the inspectors cross-pollination about the sort of stuff they would look after. [Internal project stakeholder]

3.4 Areas for improvement were identified around processes and systems supporting project delivery

When asked about what they would change in the project, most inspectors suggested to improve the initial planning and explanations provided at the start of the. One area that required further clarification was around the use of power under a different legislation.

Some recommendations from previous collaborative projects were tested with inspectors and internal project stakeholders:

- Need for a single document recording system (TRIM): while some inspectors and internal project stakeholders supported the idea, others either did not see the need for it or anticipated issues such as access rights. One inspector suggested to simply improve TRIM, e.g. clearer numbering system.
- Need for a single data recording system: many inspectors and internal project stakeholders supported the idea and saw the value in linking different databases. Both SafeWork and Fair Trading felt that their current systems (WSMS for SafeWork and CAS for Fair Trading) were not adequate. They acknowledged that a shared system would need to be fit for purpose and make sure it could only be accessed by authorised staff. Some internal project stakeholders anticipated challenges, and suggested as an alternative to only have some specific inspectors accessing the other regulator's database:

But the datasets are quite different, an inspector being able to access their database would probably be a better thing to try than to combine them. Because they are very different kinds of sets of data, and if it confuses it all, sometimes it makes the administrative work a bit higher. But certainly, access to that information would be certainly really great, and vice versa. [Internal project stakeholder]

- Need for a joint staff directory across partner agencies: most inspectors and internal project stakeholders were supportive of this idea, or at least a key contact list.

- Opportunity to develop a referral process for inspectors doing the visits to refer issues identified to appropriate agencies, including beyond DFSI: most inspectors and internal project stakeholders were very supportive of developing clear referral processes. Regional stakeholders indicated that such processes were already in place in regional teams through dedicated mailboxes, but there is a clear appetite to generalise that across the organisation. One stakeholder indicated that the current process for SafeWork to refer issues to Fair Trading was to call the hotline, like any complaint, which shows a clear opportunity for developing effective interagency referral processes. One internal project stakeholder also pointed to a key success factor when developing such referrals, the feedback to the person or organisation referring the issue:

The feedback is really important. Same for workers comp feedback, we don't hear back [from SIRA], don't know if it made a difference or anything, feedback to the people who've provided it. This is really a key thing about people referring things, they just don't know what happens with what they're referring. And what that does, it then minimises not your commitment, but it doesn't promote the referral of these things, because people don't know if it's making any difference or not. [Internal project stakeholder]

4. Effectiveness of the compliance approach

This section assesses the effectiveness of the project with regard to its compliance objectives. It answers the following evaluation questions:

- How was the experience for participating businesses?
- To what extent did the project improve the level of compliance within the medium rise construction industry?
- What other benefits did the project generate for the industry?

4.1 Businesses reported a positive experience of the visit

A number of businesses who received a visit were interviewed to collect their feedback about the project. Out of the thirteen businesses who provided consent, seven were interviewed. Most of them were small or medium businesses: 4 had an average of less than 5 construction projects at any one time, 2 had 5 to 10 and one had more than 10.

Most businesses provided positive feedback about the visit they received, they would not recall any particular problem. Most businesses interviewed did not identify anything to change. Businesses commented positively about the inspector's interpersonal skills, professionalism, knowledge and the time he or she took to provide advice which they found helpful. One business described the inspector as "the type of inspector you would like to come to your site".

When asked about how the visit compared to other visits they had received in the past, three businesses reported a similar experience and had no issue, two business found it difficult to compare this visit with another visit, and two identified some improvements. One of them welcomed the change in the approach taken by SafeWork towards a more advisory focus rather than enforcement:

The more they try to work with the builder instead of being a police officer unless something is dangerous and horrific. I have seen the way SafeWork has changed before more enforcement now more advisory. No job site perfect so not issuing fines left, right and centre is a good thing. [Business]

During a visit that was directly observed by the Evaluation manager, the business owner was particularly interested in how his company was sitting compared to industry standards. His company used to mainly do residential work and was moving into the commercial space, so felt it did not have the right systems of work in place. This is common in the construction industry, where some small players get into larger (and higher) construction projects. These types of businesses would require some further support from the regulator.

All businesses interviewed agreed that:

- They had valuable and worthwhile interactions during the visit (6 agreed and 1 tended to agree)

- The inspector recognised their efforts in managing WHS and Return to Work (6 agreed and 1 tended to agree)
- The visit increased their confidence in approaching WHS and Return to Work (6 agreed and 1 tended to agree)
- The inspector had enough knowledge to address issues (6 agreed and 1 tended to agree)
- They were treated fairly (4 agreed and 3 tended to agree).

Most of the businesses said there was nothing negative about the visit (5 out of 7). The only negative comments related to the initial attitude of the inspector for one – which the inspector then apologised about – and the fact that the inspector did not agree to come talk at one of their toolbox meetings saying ‘No we don’t do that’ for the other one. This business felt that follow-up visits would have been beneficial, for instance where the inspector would give examples from other sites or discuss particular shortcomings with subcontractors.

4.2 The project helped improve awareness of WHS requirements among visited businesses

4.2.1 The level of WHS compliance observed was relatively high, with room for improvement in critical risk areas such as fall protection

The Medium Rise Construction project was initiated based on an existing SafeWork project targeting the construction industry, the Formwork Hazard Prevention project. The metro visits of the Medium Rise Construction project used the same checklist as the Formwork project and the data collected through the checklist was entered into an online survey tool similarly to any other Formwork visits. However, it is not possible to identify specifically those collaborative visits in the checklist data as these ones were not flagged in any particular way. The regional visits used a different SafeWork checklist. Still, the Formwork checklist data provides an overall indication of the type of compliance level observed by SafeWork inspectors in the construction industry across all visits that used the Formwork checklist – whether as part of the Medium Rise Construction project or not.

Overall, the level of compliance observed according to the checklist data is quite high. Table 5 shows the level of compliance against some key checklist questions for each of the three compliance areas being inspected: scaffolding, electrical and formwork. The level of compliance observed is very high with regard to the condition of scaffolding (91% of visited businesses), electrical switchboards (90%) and formwork (90%). However, it is lower for other checklist items that represent high risk for workers injuries, in particular in relation to falls from height:

- scaffold edge protection was not provided where a person could fall for 29% of businesses visited (71% compliance rate)
- the gap from scaffolding to building was higher than 225mm for 29% of the sites (71% compliance rate)
- electrical tools and extension leads were not tested and tagged for around a quarter of the sites (74% compliance rate)

- the formwork did not have adequate fall protection (edges, penetrations, voids, joist spacing etc.) for more than quarter of sites visited (72% compliance rate).

While most sites met the compliance requirements, the information collected by the inspectors through their visits showed that there is still some room for improvement around high risk areas for around a quarter of the businesses in the construction industry.

Table 5. Level of WHS compliance against some questions from the Formwork Hazard Prevention project checklist, all Formwork project visits

Checklist question	n (excl. N/A)	Yes	
		n	%
Scaffolding			
Is the scaffolding in good condition, erected plumb, level and square on solid foundation?	202	183	91%
Does the scaffold have safe entry and exit to all working platforms?	202	179	89%
Does the scaffold have edge protection provided where a person could fall?	204	144	71%
Are the scaffolding decks fully planked?	201	162	81%
Is the gap from scaffolding to building less than 225mm?	194	137	71%
Electrical			
Are electrical switchboards in good condition with RCDs fitted and tested?	214	192	90%
Are the electrical tools and extension leads tested and tagged?	209	155	74%
Formwork			
Is the formwork in good condition?	190	182	96%
Does the formwork have adequate fall protection - edges, penetrations, voids, joist spacing etc?	189	136	72%

SafeWork inspectors interviewed about the Medium Rise Construction project were asked about whether they identified any pattern in terms of the types of businesses and their level of compliance. While most did not identify any particular pattern, a couple of inspectors indicated that larger contracting companies were better with safety than smaller companies. One of them commented:

You may go to a big site, like Lend lease, and would have difficulty finding contraventions, not that we are looking for them but difficult to find issues. You would go to a small site, and you would find a lot of issues. A lot of people who would have built a house in Camperdown and now a multi-storeys building in Alexandria. [Business].

One internal project stakeholder also highlighted that there are different levels of compliance, and that a business could be technically compliant without necessarily having sustainable WHS practices:

Compliance can be also an admin type of compliance or a very technical one, it can be very different. Say there was a fall protection issue, they can just provide a harness to the person, and they comply, but they could go to a higher level of compliance with handrails, etc, which would show higher level of knowledge or compliance which would also be more likely to be sustained when they go to another site. Whereas if they just put a harness, they would continue doing just that. [Internal project stakeholder]

4.2.2 The project contributed to improve businesses' awareness and WHS processes

SafeWork inspectors issued notices to businesses who were in breach of critical WHS compliance requirements. The inspectors felt that the visits did improve WHS compliance of businesses through the notices they issued, which was part of their normal work. Notices data from WSMS has not been analysed as part of this evaluation.

All businesses interviewed felt that, as a result of the visit, their level of confidence in meeting WHS requirements had improved (4 to a large extent, 2 to some extent – 1 did not answer this question). And all of them felt that their actual level of compliance with regard to WHS requirements had improved as a result of the visit (4 to a large extent, and 3 to some extent). When asked about examples of changes to their WHS practices, two businesses mentioned improvements to their toolbox meetings. Other referred to improved documentation or general awareness raising, and one business also said it had put regular audits in place to ensure consistently high levels of standards. Comments included:

I just made sure my WHS documents were up to date and compliant. [Business]

Streamlined our sign in and tool box meetings as it was too top heavy with information. [Business]

One business also indicated that the visit actually supported some of the work they had been doing:

Things are a bit overlapping here. For the last five months we have out a focus on working on heights, and objects falling from height. With your visit, it almost a very good fit because it was addressing some issues that we were addressing, In that sense, the visit reinforced some of the things we were already addressing. [Business]

4.3 The data collected for Fair Trading allowed to identify licensing breaches

4.3.1 Most head contractors and specialist trades were appropriately licensed with some minor administrative breaches

Fair Trading assessed the data collected through the Fair Trading checklist against licensing requirements through a two steps process,

- firstly, assessing whether the head contractor or specialist was appropriately licensed itself,
- secondly whether it required any compliance actions following further investigation. Head contractors or trades appropriately licensed may still be subject to some compliance action if they were sub-contracting an unlicensed person.

The data collected through the Fair Trading checklist shows that the most head contractors (94%) were appropriately licensed – licensing requirements did not apply to some head contractors for specific construction sites, e.g. hospitals. Most specialist trades assessed were also appropriately licensed, but with a lower proportion: 82% of electrical contractors, 79% of plumbing contractors and 76% of air conditioning contractors (Table 6).

Businesses interviewed generally indicated that they always use licensed trades, and have systems in place to ensure that this is the case.

Table 6. Level of Fair Trading licensing compliance for Head contractors and Trades

Contractor/ Trade	Yes		No		Total	N/A
	n	%	n	%	n	n
Head contractor	167	94%	11	6%	178	10
Trades – Electrical	138	82%	31	18%	169	1
Trades – Plumbing	129	79%	34	21%	163	3
Trades – Air conditioning	87	76%	28	24%	115	1

Fair Trading internal stakeholders indicated that the information collected through the Fair Trading checklist was interesting as it was a subsector that Fair Trading had not covered before, so had no knowledge of the level of unlicensed activities. While being new intelligence, the nature of the information generated was mainly around minor licensing discrepancies. Typically, a trader would start a new business with the appropriate licence for the individual doing the work, but not for the company being contracted which was initially licensed for a different trade:

It is a requirement for a builder to only contract licenced people. But again, it was coming that Bob got a new company and didn't get a new licence for the company. The company is trading illegally, but they just have to file an application and it's all sorted. [Internal project stakeholder]

4.3.2 The project directly improved businesses awareness of licensing requirement through some trader education

The Fair Trading assessment found a small portion of head contractors and specialist trades required some compliance action (Table 6):

- 12% of head contractors received an education letter because they were sub-contracting an unlicensed person (section 4(2) of the Home Building Act) and a further 3% because they were unlicensed (section 4(1) of the Home Building Act).
- 12% of electrical, 12% of plumbing and 19% of air conditioning contractors were sent education letter because they were unlicensed.

At the time of the project completion, ten cases were under investigation: five air conditioning contractors, two electrical contractors, two plumbing contractors and one head contractor.

Table 7. Fair Trading inspection outcomes for Head contractors and Trades

Contractor/ Trade	Trader education				No Further Action		Total
	Unlicensed		Subcontracting to an unlicensed person				
	n	%	n	%	n	%	n
Head contractor	6	3%	23	12%	4	2%	188
Trades – Electrical	20	12%	0	0%	5	3%	170
Trades – Plumbing	20	12%	0	0%	5	3%	166
Trades – Air conditioning	22	19%	0	0%	2	2%	116

A Fair Trading internal project stakeholder confirmed that the objective of the project was more around gathering new intelligence rather than improving compliance directly through enforcement actions because of the particular sub-sector being targeted:

This was never going to be a project where you would ping a lot of businesses unlicensed and move them out of a project. Unlicensed operations came from smaller residential projects, generally unlicensed operators operate under \$5k. Know that from the data, from the Sentinel project, that the big area for non-compliance are among smaller projects. This project was about larger projects, so wouldn't improve compliance that way. [Internal project stakeholder]

4.3.3 Data collected about the Payment Act was mainly indicative as requirements are dependent on the content of commercial contracts

With regard to the retention monies requirement, 30 businesses traders were identified as potentially requiring SOPA (Building and Construction Security of Payment Act) retention trusts. The requirement for monies to be held in a trust account is for contracts over \$20 million and when specified as such in the contract. Out of these 30, 15 were found compliant, and 12 received an

education letter, and 3 were referred to the Security Payment branch for further assessment. The information collected was purely indicative as the requirement depends on whether the commercial contract specified the need to have a trust – which is not mandatory otherwise. Fair Trading can only remind businesses about the requirements according to what is stipulated in the contract.

One business suggested to apply the retention monies requirements to contracts over \$5m, and to introduce a merit system as an incentive for businesses that comply and do not generate any complaint.

5. Effectiveness of the collaborative model

This section assesses the effectiveness of the collaborative model used for this project. It answers the following evaluation questions:

- How was the experience of participating agencies (inspectors and internal stakeholders)?
- What was the impact of the project on agencies resources? Including differentiating between metro and regional areas?
- What benefits did the collaborative component generate for participating agencies compared to Business As Usual (BAU)?
- What impact did the collaborative component have on businesses?

5.1 The collaboration component was limited, making it easier to embed it into existing processes

5.1.1 Collaboration mainly took the form of SafeWork inspectors collecting data on behalf of Fair Trading

Collaboration in this project mainly took place through the information that SafeWork collected on behalf of Fair Trading on trades licensing and retention monies, using the Fair Trading checklist. That was the main difference SafeWork inspectors noted compared to other SafeWork projects – two inspectors actually stated that they did not notice a difference. A couple of SafeWork inspectors mentioned that they had been offered licences in the past but had not looked at them as this was not their role.

Other elements of the collaborative component included the information sessions and training to SafeWork inspectors, the project teleconferences for internal project stakeholders, the flyer and some joint visits in regional areas. While the flyer seems to have been rarely used, a few regional visits were conducted jointly with a SafeWork and a Fair Trading inspector.

5.1.2 Most inspectors were supportive of collecting additional information for another agency

Interviews were organised with inspectors to collect their feedback about the project: 10 SafeWork inspectors and 2 Fair Trading inspectors were interviewed in October 2017. Out of 11 inspectors who answered the question, 9 were supportive (6 somewhat supportive and 3 very supportive) of collecting information for another agency. The main pre-requisite identified by some inspectors was to have sufficient capacity, not compromise the regulator's core business, and one inspector also mentioned the risk of diluting the safety message.

Most SafeWork inspectors had not previously worked with Fair Trading nor had the Fair Trading inspectors worked with SafeWork inspectors directly. Only two SafeWork inspectors stated that

they had previously worked with Fair Trading, and one of these was co-located with Fair Trading making communication and collaboration much easier.

Feedback about the joint visits was different between metro and regional inspectors. While it did not seem to be appropriate for metro visits, the feedback from joint regional visits was positive towards the opportunity it represented in terms of cross-pollination between SafeWork and Fair Trading inspector. The difference seems to be related to the available capacity, and pre-experienced collaboration in co-located regional offices.

5.1.3 The impact on agencies resources was limited

With the main element of the collaborative component being the Fair Trading checklist, SafeWork inspectors collecting the data were the core group affected by the project. But the impact was limited: most of them felt that collecting the checklist was straightforward, and only took a few extra minutes to complete. In the first visits, the SafeWork inspector would get the Fair Trading checklist to be filled in on the spot. However, it was taking too long for the builder to find the right information and paperwork, so it was quickly decided to leave the form and get the business to send it back via email.

The project happened at a time when the Metro Construction and Asbestos Services team was under a lot of resourcing pressure related to competing priorities and serious incidents on construction sites. This made it more difficult to allocate resources to conduct those specific visits, which ultimately lead to expanding the project to regional visits.

Other stakeholders being impacted by the project were members of the project team and the Fair Trading teams involved in the assessment of the data being collected through the Fair Trading checklist: the Regulatory Analysis & Assessment Branch and Security and Payment Branch within Fair Trading Building and Construction service.

5.2 Intelligence sharing and opening the door for sustained collaboration were the main benefits

5.2.1 There is no clear evidence about direct benefits to businesses

While many inspectors felt that the project benefitted businesses by making them check that they were employing licensed contractors, the feedback provided by businesses does not clearly indicate that they directly benefitted from this.

Out of seven businesses interviewed, five were aware that the visits involved a collaborative component between SafeWork and Fair Trading. One business was not aware of the collaboration component, and another one would have liked to receive more information about it beforehand. When prompted about this, businesses had different opinions: while three felt that was a good thing to have less visits, two felt it did not change much and one considered that was an additional burden as it had to provide additional information (one did not answer this question). One business commented about the need to have a direct interaction with the regulator concerned by the requirement:

If we do something, we need to speak with them because we can give our side of the story good to have that interaction. Don't know if SafeWork can give that support. [Business]

Internal project stakeholders were also not clear about benefits to businesses, in particular with regard to the initially intended reduction in touch points:

No discernible difference to the business because they're still getting their SafeWork visit and Fair Trading didn't visit, so there is no change. [Internal project stakeholder]

5.2.2 Fair Trading benefited from new intelligence, with SafeWork being interested in more feedback

Many inspectors interviewed felt that the project mainly benefitted Fair Trading with some new intelligence being generated through SafeWork inspections. A couple of SafeWork inspectors indicated that the project made them realise that SafeWork had more field resources than Fair Trading.

Several internal project stakeholders felt that more feedback from Fair Trading assessment could have been provided to SafeWork in the first place, and potentially to the industry more broadly. The recommendation had been made towards the end of the project, but had not been fully implemented.

5.2.3 The main benefit seems to be about getting internal stakeholders to think more about collaboration

Most inspectors and internal project stakeholders felt this project improved collaboration between the partner agencies: 7 inspectors out of 11, and 4 out of 7 internal project stakeholders who answered the question. The impact was mainly described as a shift in mindset, where the project got stakeholders and inspectors to think more about collaboration. Some evidence for that was provided with a shift in feeling about collaboration from the Joint Field Practice Reference Group, which brought together union representatives from both SafeWork and Fair Trading inspectorates. The following comment was made by union representatives in one of the meetings towards the end of the project:

Collaborative projects provide great opportunities for both groups to go out and provide value to the customer, and to the inspectorate. [Joint Field Practice Reference Group members]

Through the project, participants from each agency developed a better understanding of what the other agency does, its resources, processes and tools. One internal project stakeholder from SafeWork for instance liked the way Fair Trading was managing their technology, which may provide ideas for future developments. Relationships established may also facilitate future referrals if an issue of interest to the other regulators arises in the future. One internal project stakeholder referred to examples of Fair Trading inspectors maintaining contact and information sharing with SafeWork inspectors in the regional offices:

I'm aware of a number of our [Fair Trading] regional inspectors that made contact with regional SafeWork inspectors and they have certainly stayed in touch and shared information and resources. In an informal way, a non-structured way. [Internal project stakeholder]

The project also opened the door for future collaborative projects, whereby stakeholders start to identify opportunities for collaboration:

Before that none of us really thought about how we could find synergies. What it did, should in the future decide to do something in that space, then there will be opportunities and things we can share. Before that we wouldn't have never known that they were things we could do. [Internal project stakeholder]

Examples of potential opportunities identified by internal project stakeholders include asbestos which covers several regulatory matters, or plan operators in infrastructure projects. In the infrastructure industry, SafeWork could identify operators through visits and Fair Trading provide some intelligence about those infrastructure companies,

6. Conclusion

6.1 Overview of key findings

The Medium Rise Construction project was initiated as a Collaborative Regulatory Services project under the Commerce Regulation Program. The objectives of the project were to make it easier for businesses to comply with work safety and consumer rights requirements, and consequently improve harm prevention and consumer protection in the medium rise construction industry. The project was built on a pre-existing SafeWork project, the Formwork Hazard Prevention projects, and most of the project design mirrored it. The main element of the collaborative component was the Fair Trading checklist that SafeWork inspectors asked visited businesses to complete at the end of their WHS visit. Some of the regional visits were also conducted jointly by a SafeWork and a Fair Trading inspector.

Between November 2016 and end of June 2017, a total of 222 visits to construction sites were conducted as part of the project, which is 48% more than the initial target of 150. The project targeted medium rise construction sites, with a broader scope for regional visits (three storeys and above).

The project improved businesses WHS compliance through the notices issued by SafeWork inspectors as part of their business as usual visit practices. With regard to Fair Trading compliance requirements, the project generated new intelligence which showed a relatively high level of compliance for head contractors and trades licensing (over 75%) in the medium rise construction industry. Most breaches were in relation to some licensing discrepancy between the individual trader licence and the company licence; Fair Trading issued an education letter in those cases, which represented between 15% and 19% of the trade business, depending on the trade. There was no clear evidence of benefit to businesses in terms of customer experience, with businesses not directly benefitting from the licence checks.

Most inspectors and internal project stakeholders interviewed felt that this project improved collaboration between the partner agencies. However, beyond the new intelligence generated for Fair Trading, the benefits reported were quite limited. The main benefit from the project seems to be around a shift in mindset, with stakeholders starting to think more about collaboration and identifying opportunities for future projects. A number of areas for improvement were also identified, in particular around the design phase of the project. These are listed in the following section with a view to informing future collaborative projects.

6.2 Recommendations

Inspectors and internal project stakeholders were asked to identify aspects of the project that could be turned into Business As Usual (BAU), as well as what form future collaborative projects could take.

6.2.1 Turning aspects of the project into Business As Usual

When asked if they would like to continue doing this type of work after the completion of the project, SafeWork inspectors had different views: four out of ten SafeWork inspectors said they would like to continue it, whilst three said that they would not do anything differently, and two inspectors stated that they would just do as instructed. One inspector stated that he had already used the additional powers under the Fair Trading Act since the project finished.

Most internal project stakeholders did not see any problem in theory in continuing having SafeWork inspectors collecting licensing information on behalf of Fair Trading. This would contribute building intelligence about companies' history around licensing and potential breaches. However, turning the project into BAU would require appropriate resourcing, i.e. allocating some time from SafeWork inspectors as well as from Fair Trading staff involved in the assessment.

According to inspectors, the main limitations to more collaboration in the future would be resourcing issues, different expertise, and business focus. Internal project stakeholders also referred to the different expertise, strategy, focus and approach between SafeWork and Fair Trading which reduces the area of overlap and opportunities for collaboration.

6.2.2 Suggested form future collaborative projects

When asked about the form future collaborative projects could take, the most popular options among inspectors were: joint external communications, blitz operations, continuous data sharing and joint data portal or digital solutions to a lesser extent. Among internal project stakeholders, joint visits, data sharing and portals. Other suggestions included systematic referral processes, or one stakeholder suggested a one licensing wallet:

*And it might be one licence that would cover all their licensing needs, one licensing wallet, or one entity that would manage all licence requirements on behalf of all regulators.
[Internal project stakeholder]*

Some stakeholders referred to existing initiatives such as joint participation on trade events. However, the recommendation was to make it truly collaborative instead of having regulators "flying their respective flag" separately.

6.2.3 Recommendations for future collaborative projects

Fourteen recommendations were identified across four areas, based on the findings of the evaluation and feedback provided by the various stakeholders.

Table 8. Recommendations for future collaborative regulatory projects

Area	Recommendation
Project design	<ol style="list-style-type: none"> 1. Develop the project based on robust research and data analysis to identify a policy issue where collaboration would be an appropriate solution 2. Continuously identify opportunities for collaboration and put them to the test 3. Embed collaboration in BAU 4. Target industry sectors that are a priority for all partner agencies, i.e. based on risks or strategic priorities 5. Engage the industry in identifying the problem and whether collaboration would provide benefits to the industry 6. Involve all interested parties in the design of the project (true co-design): Government agencies, industry, unions 7. Develop a good understanding of what each partner agency does to inform the project design
Project implementation	<ol style="list-style-type: none"> 8. Ensure appropriate support from senior management 9. Establish a dedicated project team with a project manager, some inspectors from both regulators, staff involved in assessment processes, and an administrative person 10. Ensure regular feedback is provided to the partner agency about the assessment of the data collected 11. Share outcome of the assessment to the business and/or the broad industry – as appropriate – to further promote improvement of compliance
Data systems	<ol style="list-style-type: none"> 12. Flag collaborative visits in BAU projects, e.g. through a particular data field in WSMS
Evaluation	<ol style="list-style-type: none"> 13. Embed the consent form in the inspectors' checklist process to make it as seamless as possible, e.g. collecting consent through the tablet 14. Collect feedback from businesses along the way instead of at the end of the project, to allow for more accurate feedback (closer to the interaction) and a better response rate

Appendix 1. Inspection checklists

Appendix 1.1. SafeWork checklist used in Metro visits

Hazard Prevention Project Checklist

WSMS Project Code 9-4765

Inspector:		Visit Date:		Time:	
Site Address:					
Developer:				ABN:	
Principle Contractor:				ABN:	
Contact Person:		Phone:		Fax:	
WC Certificate of Currency (Y/N):		WC Policy No:			
Consistent with WIC (Y/N):		No Employees:			
SCAFFOLDING:					
Scaffolder Contractor:				ABN:	
Contact Person:		Phone:			
Scaffold – Planning & Documentation				Y	N
1	Handover certificate for completed scaffold R225(2)				
2	Regular scaffold inspections R225(3)				
3	Engineered design – cantilevered needles, suspended systems etc				
4	Scaffolders HRWL				
Scaffold – Design & Use				Y	N
5	In good condition, erected plumb, level and square on solid foundation				
6	Safe entry and exit to all working platforms				
7	Edge protection provided where a person could fall				
8	Decks are fully planked				
9	Gap to building does not exceed 225mm				
10	Has containment sheeting been considered as part of the design?				
Electrical Hazards				Y	N
1	Are there any overhead powerlines within 4 meters or less of site?				
2.	Electrical switchboards in good condition with RCDs fitted and tested				
3	Main switch (point of supply) clearly identified and labelled				
4	Construction Wiring run in solid conduit to prevent mechanical damage and labelled “Construction Wiring”				
5	Electrical tools and extension leads tested and tagged (within last 3 months)				
6	Tigertails installed on low voltage overhead power lines near the site (if cranes, pumps, excavators or other machinery exists)				
7	Evidence of consultation with electricity supply authority (advice letter) if workers and/or machinery working near overhead power lines (e.g.: Loading Zones – Crane use)				
8	Valid Dial Before You Dig Plans exist for excavation/digging/trenching work on or near public property				

FORMWORK:				
Formwork Contractor:			ABN:	
Contact Person:		Phone:		
Formwork – Planning & Documentation		Y	N	N/A
1	Engineering plan- sequence, propping, cure time, back propping etc.			
2	SWMS- erecting, altering, stripping etc			
3	Engineers signoff prior to pour			
Formwork – Equipment & Workers		Y	N	N/A
4	In good condition			
5	Suitable access & egress to work areas			
6	Adequate fall protection- edges, penetrations, voids, joist spacing etc.			
7	Adequate supervision/instruction of workers			
8	Limiting access by other trades on incomplete decks and during pours			
Inspectors Observations Y N Needs				
Work				
(If no or needs work add brief comment below)				
1	In your observations are the PCBU and/or workers aware of the risk factors when working with formwork?			
2	In your observations do the PCBU and/or workers understand the correct method in erecting/ dismantling formwork? (either conventional/engineered)			
3	Is the PCBU or Workers aware of practical solutions and controls currently available? (E.g.: Proprietary handrails, penetration covers, portable stair systems etc.)			
4	Overall - what status of controls for hazards associated with formwork did you observe?	1 - Not Compliant 2 - Mostly Compliant 3 – Compliant 4 - Exceeds Compliance 5 – N/A - not observed		
5	In your opinion does the PCBU and workers think SafeWork NSW is a reliable source of information?			
COMMENTS:				

(Note: Thank you for assisting us in this project, if both no and needs work for Inspector Observations is ticked please refer to FOI Project Team for advisory visit. Your hard work and commitment and support to improving industry awareness and compliance is appreciated.)

Note: Please tick if this site is recommended for a FOI project advisory visit.

☐

Appendix 1.2. SafeWork checklist used in regional visits

CONSTRUCTION SITE INSPECTION CHECKLIST

This list is not exhaustive. Can you think of any other issues?

ACCESS

- ✓ Driveway – clear (no mud)
- ✓ Stairs/ passageways – clear
- ✓ Handrails to side of stairs

AMENITIES

- ✓ Toilets – clean/ paper/ basins/soap
- ✓ Crib shed – clean/ fridge/ hot water
- ✓ Change shed – clean
- ✓ Cool drinking water available

ASBESTOS (BONDED)

- ✓ > 10 so m requires licence
- ✓ Disposable overalls/ mask
- ✓ Plastic lined bin
- ✓ Punch nails, wet surface of sheets
- ✓ Appropriate disposal at waste depot

CONSULTATION

- ✓ Staff consulted on safety matters e.g. Toolbox Talks

DEMOLITION

- ✓ No licence required if:
 - ✓ < 10 metres high by hand
 - ✓ < 4 metres using machine
 - ✓ Needs perimeter fence
 - ✓ Must have:
 - hazard condition report
 - demolition work plan
 - SWMS
 - hard hats
 - fall prevention
 - toilet
 - services cut (power, gas)

DUST

- ✓ P.P.E. supplied
- ✓ Any water suppression?

ELECTRICAL

- ✓ Leads tagged
- ✓ Leads elevated
- ✓ sub board each floor
- ✓ ELCB fitted to main board (RCD)

EXPLOSIVE POWERED TOOL (EPT)

- ✓ EX ticket
- ✓ Warning signs displayed
- ✓ Must wear PPE -glasses, ear plugs
- ✓ EPT not left unattended
- ✓ Charges locked up

FIRST AID

- ✓ First aid box
- ✓ Register of injuries

FORMWORK

- ✓ Handrails to deck (scaffold preferred)
- ✓ Certificates of competency (TR ticket)
- ✓ Engineers cert. supplied before pour
- ✓ Double bracing to pairs of frames
- ✓ Sole plates to frames

HAZARDOUS SUBSTANCES

- ✓ MSDS on site
- ✓ Register of haz. Subs.
- ✓ Labelling of containers
- ✓ Principal Contractor to keep a register

HOISTS (materials only)

- ✓ Certificate of competency to operate
- ✓ Never left unattended with hoist raised
- ✓ Area around base is fenced off
- ✓ Each landing has a gate (closed when hoist is not on the level)
- ✓ More than three floors, gates must be interlocked
- ✓ Positively isolated when unattended (locked out)

HOUSEKEEPING

- ✓ Clean/ bins provided/ empty
- ✓ No trip hazards

INDUCTION TRAINING

- ✓ General induction - records
- ✓ Site induction – records

MANUAL HANDLING

- ✓ Good work practices seen – cranes, hoists, forklifts used

NOISE

- ✓ Not exceeding 85 dBA in 8 hrs
- ✓ P.P.E. supplied

OHS Management Plan

- ✓ available on site for projects > \$250,000 & high risk work

OVERHEAD PROTECTION

- ✓ Protective structure in place
- ✓ Engineers certificate

PLANT

- ✓ Certificates of competency / training
- ✓ LE, LS, LB, C20, C60, C100, etc.

ROOFERS (residential)

Must have fall prevention (in order as below)

1. scaffold
2. guard rail
3. harness (last resort)

ROOFERS (commercial)

- ✓ Safety mesh – laps at sides
 - 150mm < 1.5m purlin spacings
 - 300mm > 1.5m purlin spacings
- ✓ scaffold tower access

SAFE WORK METHOD STATEMENTS (SWMS)

- ✓ >\$250k, 17 High risk construction work tasks
- ✓ < \$250k, high risk work, e.g.
 - work over 3m, work on roads, demo, bonded asbestos removal

SCAFFOLDING

- ✓ Sole plates

- ✓ Access (ladders)
- ✓ Kickboards/ handrails/ brick guards
- ✓ Scaffold tied to structure
- ✓ Bracing

SITE FENCING

- ✓ Residential / Civil (conduct risk assessment)
- ✓ Commercial (must have)
- ✓ Sign with 24 hour contact info

TRAFFIC CONTROL

- ✓ Traffic management plan
- ✓ Pedestrians protected
- ✓ Traffic control devices match plan

WORKERS COMP.

- ✓ w. comp extract poster
- ✓ policy details (cert. of currency) all contractors

Appendix 1.3. Fair Trading checklist

Developer Details – (Detail of who the builder is contracted to)			
Principal to the Head Contractor:			
Address:			
ABN:			
Contact person:	Position:	Phone:	
Value of Contract:	Are Retention monies Held	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Site Address			
Type of Construction	Residential <input type="checkbox"/>	No. Units:	Commercial <input type="checkbox"/>
			No. Units:

Builder Details - (Builder on Site responsible for project)			
Head Contractor:			
Address:			
ABN:			
Contact Person:	Position:	Phone:	
Contract Licence Number:			

Trades - Electrical	
Electrical Contractor:	
Address:	Phone:
ABN:	
Contact Person	Phone:
Contractor Licence Number:	

Trades - Plumbing	
Plumbing Contractor:	
Address:	Phone:
Contact Person	Phone:
Contractor Licence Number:	

Trades – Air conditioning	
Air conditioning Contractor:	
Address:	Phone:
ABN:	
Contact Person	Phone:
Contractor Licence Number:	

Appendix 2. Interview guides

Appendix 2.1. Business interview guide

Introduction

Firstly, I want to thank you for making the time for this interview.

Better Regulation under the Department of Finance, Services and Innovation is conducting an evaluation of the Medium Rise Construction collaborative project. We understand that you received a visit from a SafeWork inspector around [date the consent form was signed].

The objective of this interview is to:

- Collect your feedback about your experience of the visit and the impact it had on your business
- Identify what aspects have worked well and what aspects could be improved in future projects like this one.

The interview should take around 30'. Hopefully, we'll be able to cover everything but feel free to send me an email afterwards if you think of anything else we haven't covered. Or we would be happy to give you another call to complete the interview if we run out of time.

[Note for the interviewer: for questions we prompt, don't prompt response options straight away, only prompt if no clear answers]

1. Before we start, may I ask you what type of business you are?
 - Size: Small (less than 20 employees)/ Medium (between 20 and 100 employees)/ Large (over 100 employees)
 - Average number of construction project at any one time
 - Type of construction projects

Experience of the visit

Now, I understand you received a visit from a SafeWork inspector on [date]. His/ her name was [inspector's name]. I'd like to ask you a few questions about your experience of the visit.

2. Can you please describe your experience of the visit?
3. What made it a positive experience?
4. What made it a negative experience?

5. To what extent do you agree or disagree with the following statement? Agree/ Tend to agree/ tend to disagree/ Disagree/ Don't know/ Not applicable
 - I was treated fairly
 - I had valuable and worthwhile interactions during the visit
 - The inspector recognised our efforts in managing Work, Health and Safety
 - The visit increased my confidence in approaching Work, Health and Safety
 - The inspector had enough knowledge to address issues
6. How does that compare with other similar inspections you had in the past?
7. Were you aware that this visit involved SafeWork as well as Fair Trading? Yes/ No/ Not sure
8. What are your thoughts about this?
 - A good thing/ Doesn't change much/ Additional burden.
 - Please elaborate on your answer

Outcomes

9. As a result of the visit, would you say that your **level of confidence** in meeting WHS requirements has improved?
 - Yes, to a large extent/ Yes, to some extent/ Not really/ Not at all/ Not applicable
 - Please elaborate on your answer. If yes, how did the visit contributed to this?
10. Can you provide examples of what you changed in your WHS practices following the visit of the SafeWork inspector?
11. As a result of the visit, would you say that you have improved your **level of compliance**? Yes, to a large extent/ Yes, to some extent/ Not really/ Not at all/ Not Applicable
 - With regard to WHS requirements
 - With regard to licensing requirements for specialist trades (electrical, air conditioning, plumbing)?
 - With regard to Retention monies (contracts over \$20m, monies to be held in a trust account for the payment of sub-contractors).
 - Please elaborate on your answers.

Overall – wrapping up

12. If you had one thing to change in the way the visit was conducted, what would it be?

13. What is the one thing you would NOT change?
14. Other comments?

We're coming to the end of the interview. Thank you for your time and your contribution to the evaluation. Feel free to send me any additional comment you may think of afterwards. Here is my email if you want to send me any additional comments: XX.XX@finance.nsw.gov.au.

Appendix 2.2. Inspectors interview guide

Introduction

Firstly, I want to thank you for making the time for this interview. We understand that you have conducted several visits as part of this project.

This interview is part of the evaluation of the Mid-Rise Construction project, one of three collaborative regulatory projects. Other evaluation methods include interviews with businesses, interview with internal and project stakeholders, a site visit observation and analysis of project data.

The objective of this interview is to:

- Collect your feedback about the design of the project, your experience of the visits to businesses, with a particular focus on the collaborative component
- Identify what aspects have worked well and what aspects could be improved in future collaborative projects like this one.

The interview should take around 45'. Hopefully, we'll be able to cover everything but feel free to send me an email afterwards if you think of anything else we haven't covered. Or we would be happy to give you another call to complete the interview if we run out of time.

[Note for the interviewer:

- for questions we prompt, don't prompt response options straight away, only prompt if no clear answers
 - Key questions are identified in bold to be able to manage time
 - Some questions may be less appropriate or should be phrase differently for Fair Trading inspectors; this is specified in bracket]
1. Before we start, may I ask you what was your involvement in the project? Prompt:
 - When did you get involved?

- How many visits did you do as part of the collaborative project? Doesn't have to be exact, can be an estimate. [For Fair Trading inspectors: What form did your involvement take, i.e. desktop checks and/or joint visits?]

Project design

2. What is your understanding of the objectives of the project?
3. Did that understanding change over the course of the project? How?
4. **What are your views about the project material?**

Project documentation	What worked well	What could be improved
Inspector briefing		
Visit protocol		
Checklist [not for FT inspectors]		
Fair Trading checklist		
Medium Rise Construction Flyer		

Project delivery

5. **How did you select the construction site for your visits? Prompt:**
 - responding to a request for service
 - local knowledge
 - driving/ walking by
 - [For FT inspectors: did you have any inputs into how businesses were selected?]
6. Were your visits unannounced? All of them/ Most of them/ A few of them/ None of them [Not for FT inspectors]
7. **How long did the visits take on average?**
8. **How was your experience of the project overall?**
9. **How does that compare with similar projects you've been involved in the past?**
10. What did you do differently as part of this project as compared to other similar projects in the past?
11. If anything different, do you think you will/ would you like to continue doing some of this after completion of the project?

Collaborative component

12. What form did the collaborative component of the project take? Prompt:

- Training
 - Collection data on behalf of another agency
 - Participating in joint inspections
 - Participating in joint internal meetings
 - Participating in joint external communication activities
 - Referral process
 - Other, e.g. informal collaborative processes
13. Do you feel that this project in particular contributed to improve collaboration between partner agencies (SafeWork, Fair Trading, and Better Regulation)?
- Yes/ No/ Not sure
 - How?
14. **What benefits did you identify, if any, from the collaborative component?**
- For businesses
 - For your agency
 - For the other agency
 - For the NSW Government
 - For the end-consumers
15. **In general, how supportive are you of collecting additional information for another agency as part of collaborative projects?** [less relevant for FT inspectors, but could be interesting to get their views on that as well, to get the perspective from the other side]
- Very supportive/ Somewhat supportive/ Somewhat not supportive/ Not supportive at all
 - Why?
16. **Do you think that more could have been done in terms of collaboration?**
- Yes/ No/ Not sure
 - If yes, how? If no, why not?
17. What would be the main limitations to more collaboration/ integration between agencies?
- Prompt:
- Different expertise
 - Different timing of the contact with businesses

- Different focus
- Different culture
- Data systems

Project outcomes

- 18. As a result of the visits, do you feel that businesses have improved their level of WHS compliance?** [Not for FT inspectors]
- Yes, to a large extent/ Yes, to some extent/ Not really/ Not at all/ Not sure
 - What makes you think that?
- 19. As a result of the visits, do you feel that businesses have improved their level of compliance with regard to Fair Trading requirements around specialist trades licensing and retention monies?**
- Yes, to a large extent/ Yes, to some extent/ Not really/ Not at all/ Not sure
 - What makes you think that?
- 20. Did you see any pattern in terms of the types of businesses and their level of compliance?**
- 21. To what extent do you feel the project improved businesses' customer experience? Please provide evidence/ examples.**

Overall – wrapping up

- 22. If you had to design another collaborative project tomorrow, what is the one thing you would change?**
- 23. What is the one thing you would NOT change?**
- 24. What form do you think future collaborative projects should take? Prompt:**
- Blitz joint operations
 - Continuous data sharing
 - Joint external communication
 - Joint portals/ digital solutions
 - Other, please specify

25. Previous reviews or evaluations of pilot collaborative projects identified the following issues and recommendations. To what extent do you feel that the Medium Rise Construction project has addressed them? To what extent are these still relevant and important?

Issue	To what extent is this still a valid issue/ recommendation?
Lack of warning to allow for the right business representative to be made available on the day of the visit	
No actual reduction in regulatory burden for businesses	
Need for a single document recording system (Trim)	
Need for a single data recording system (WSMS) across regulators	
Need for a joint staff directory across partner agencies	
Opportunity to develop a referral process for inspectors doing the visits to refer issues identified to appropriate agencies	

26. Other comments

We're getting to the end of the interview. Thank you for your time and your contribution to the evaluation. Feel free to send me any additional comment you may think of afterwards.

The next steps for us are to analyse the feedback provided, analyse it together with other evaluation methods and answer the key evaluation questions into an evaluation report.

We're planning to provide inspectors with some feedback about key findings and recommendations from the evaluation – the format is still to be decided, but it could be as part of an end of project inspector debrief session.

Appendix 2.3. Internal project stakeholders interview guide

Introduction

Firstly, I want to thank you for making the time for this interview. We understand that you have conducted several visits as part of this project.

This interview is part of the evaluation of the Mid-Rise Construction project, one of three collaborative regulatory projects. Other evaluation methods include interviews with businesses, interview with internal and project stakeholders, a site visit observation and analysis of project data.

The objective of this interview is to:

- Collect your feedback about the design of the project, how it was delivered and your views about what it achieved in terms of outcomes, with a particular focus on the collaborative component
- Identify what aspects have worked well and what aspects could be improved in future collaborative projects like this one.

The interview should take around 45'. Hopefully, we'll be able to cover everything but feel free to send me an email afterwards if you think of anything else we haven't covered. Or we would be happy to give you another call to complete the interview if we run out of time.

[Note for the interviewer: for questions we prompt, don't prompt response options straight away, only prompt if no clear answers]

1. Before we start, can you briefly describe your involvement in the project?

Project design

2. What is your understanding of the objectives of the project?
3. Did that understanding change over the course of the project? How?
4. What are your views about the process that lead to the design of the project? Prompt:
 - Right level of engagement with the right stakeholders (staff, industry)
 - Appropriate analysis of existing data, e.g. to ascertain level of compliance
5. To what extent do you feel the project is targeting the right industry with regard to the project objectives in terms of
 - improving compliance: does it offer sufficient room for improvement in this regard?
 - generating synergies: does it offer sufficient potential in this regard?
 - improving customer experience: does it offer sufficient room for improvement in this regard?

Project delivery

6. How was your experience of the project?
7. How does that compare with similar projects you've been involved in the past?
8. What are your views about the process to select sites for inspection?

Collaborative component

9. What form did the collaborative component of the project take? Prompt:

- Training
 - Collection data on behalf of another agency
 - Participating in joint inspections
 - Participating in joint internal meetings
 - Participating in joint external communication activities
 - Referral process
 - Other, e.g. informal collaborative processes
10. Do you feel that this project in particular contributed to improve collaboration between partner agencies (SafeWork, Fair Trading, and Better Regulation)?
- Yes/ No/ Not sure
 - How?
11. What benefits did you identify, if any, from the collaborative component?
- For businesses
 - For your agency
 - For the other agency
 - For the NSW Government
 - For the end-consumers
12. Do you think that more could have been done in terms of collaboration?
- Yes/ No/ Not sure
 - If yes, how? If no, why not?
13. What would be the main limitations to more collaboration/ integration between agencies?
Prompt:
- Different expertise
 - Different timing of the contact with businesses
 - Different focus
 - Different culture
 - Data systems

Project outcomes

14. To what extent to you feel the project improved business compliance? Please provide evidence/ examples as much as possible.
 - With regard to WHS requirements
 - With regard to Fair Trading requirements
15. To what extent do you feel the project improved businesses' customer experience? Please provide evidence/ examples.

Overall – wrapping up

16. If you had to design another collaborative project tomorrow, what is the one thing you would change?
17. What is the one thing you would NOT change?
18. What aspects would you like to get turned into BAU?
19. What form do you think future collaborative projects should take? Prompt:
 - Blitz joint operations
 - Continuous data sharing
 - Joint external communication
 - Joint portals/ digital solutions
 - Other, please specify

20. Previous reviews or evaluations of pilot collaborative projects identified the following issues and recommendations. To what extent do you feel that the Medium Rise Construction project has addressed them? To what extent are these still relevant and important?

Issue	To what extent is this still a valid issue/ recommendation?
Lack of warning to allow for the right business representative to be made available on the day of the visit	
No actual reduction in regulatory burden for businesses	
Need for a single document recording system (Trim)	
Need for a single data recording system	
Need for a joint staff directory across partner agencies	
Opportunity to develop a referral process for inspectors doing the visits to refer issues identified to appropriate agencies	

21. Other comments

We're getting to the end of the interview. Thank you for your time and your contribution to the evaluation. Feel free to send me any additional comment you may think of afterwards.

The next steps for us are to analyse the feedback provided, analyse it together with other evaluation methods and answer the key evaluation questions into an evaluation report.

We're planning to provide inspectors with some feedback about key findings and recommendations from the evaluation – the format is still to be decided, but it could be as part of an end of project inspector debrief session.



Finance,
Services &
Innovation

