

7. Output Group 4: Regulatory and Other Services

Worksafe Tasmania

WorkSafe Tasmania administers legislation covering three policy areas: work health and safety, workers compensation schemes (including for asbestos-related disease) and workplace relations.

Promoting healthier and safer workplaces and work practices, we investigate workplace incidents, encourage prompt and effective return to work of injured workers, and offer advice and assistance to a broad range of clients. This is achieved by partnering with unions and employer organisations to encourage a constructive role in promoting improvements in work health and safety practices.

Our activities undertaken are linked to the four strategies set out in the *WorkSafe Tasmania Strategic Plan 2018 – 2023*. Key performance indicators have been established to enable assessment of the efficacy of the strategies in achieving healthier, safer and productive workplaces.

Table 6.1: Key Performance Indicators

Performance Indicators	2016-17	2017-18	2018-19
Safety of Workers*			
Lost time injury	16.0	15.6	15.9
Serious injury	14.1	13.1	12.5
Severe injury	3.7	3.6	3.5
Fatality	1.4	2.5	0.5
% of attendances in targeted sectors	62	66	65
Workplaces where notices were issued	244	194	281
Improvement Notices	149	126	176
Prohibition Notices	65	60	81
Infringement Notices	30	37	25
% decisions affirmed	95	95	100
% insurer audits undertaken	100	100	56
Return to work rate	92	94	79

*Note: Data at 31 March 2019. Injury data last updated 4 June 2019 (injury data matures over time).

Healthier, safer and productive workplaces

1
Targeted Harm Reduction
Reducing harm in Tasmanian workplaces

2
Building Culture and Capability
Responding to current and emerging WHS issues

3
Regulatory Frameworks
Ensuring regulatory frameworks are contemporary and effective

4
Exemplar Regulator
Striving for excellence as a regulator

Priority Industries and Activities



Agriculture



Public Administration and Safety



Dangerous Substances



Health Care and Social Assistance



Construction



Retail Trade



Major and Hazards and Mines



Road Transport

The following information highlights some of the key initiatives and programs undertaken by WorkSafe Tasmania throughout the 2018-19 reporting period.

Strategy 1: Targeted Harm Reduction

WorkSafe Tasmania's focus is informed by data analytics to ensure regulatory responses are tailored to emerging issues and priorities, including reducing harm in Tasmanian workplaces by targeting priority industries and high consequence activities, together with high priority conditions and injury causal factors.

High priority conditions and injury causal factors:

- Musculoskeletal disorders;
- Hazardous manual tasks;
- Mental health conditions;
- Slips, trips and falls;
- Asbestos-related disease; and
- Safe movement of vehicles and plant.

Priority Intervention Programs

During the reporting period, WorkSafe Tasmania has undertaken the following compliance programs:

- Major construction sites: Regular planned and unplanned workplace visits with education and enforcement activities taking place depending on the conditions and practices observed by inspectors.
- Respirable crystalline silica: Emerged as a significant risk in the engineered stone benchmark manufacturing industry in late 2018. WorkSafe Tasmania completed a compliance inspection program in 2019 focused on workplaces that manufacture stone products and will continue to be proactive in the prevention of harm to workers at risk from atmospheric contaminants.
- Amusement devices: A compliance inspection program focused on the safety of amusement devices in use at agricultural shows and similar events.

- Mines and quarries: Comprehensive audits that included underground refuge chambers, explosives, emergency evacuation and safety management systems. Field visits for quarries concentrated on respirable crystalline silica, health surveillance and machine guarding.
- Major hazard facilities: Oversight of major hazard facilities across the state continued, through auditing, licencing, compliance and consultation activities.

Mental health awareness campaign

The *Safety is Everything* campaign was developed to break through attitudes and raise awareness that mental health hazards exist at work. Data reveals that the total number of workplace injuries has declined since 2012, but the number of mental health conditions has increased. The campaign consisted of television and print advertisements, web content and social media that provided advice on how to spot mental health hazards alongside traditional safety hazards.

Asbestos awareness

The award-winning television media campaign 'Be Asbestos Aware' provided clear messaging to homeowners, renovators, tradesmen and handymen on the dangers of asbestos during Asbestos Awareness Week. The key message of the campaign was that the safest tool for tradespeople and DIY handypersons to use when dealing with asbestos is their phone/tablet/computer to get facts about the materials they are working with.

Improving the use of information

A series of reports and snapshots were published that cover the work health and safety performance of each industry group across Tasmania, including priority industries. Incorporating infographics, the industry snapshots identify and focus on emerging or existing work health and safety issues for evaluation and action, compare work health and safety performance relative to previous years and, where applicable, to other industries across Tasmania.



Figure 6.1

Strategy 2: Building Culture and Capability

Safe Farming Tasmania

The Safe Farming Tasmania program aims to reduce farm-related death, injury and disease and improve the health and safety of workers in the farming industry. Now in its fourth year, Safe Farming Tasmania is a joint initiative of WorkSafe Tasmania and the Department of Primary Industries, Parks, Water and Environment.

This year, the program engaged with about 200 farmers on their properties, presented work health and safety awareness sessions to TasTAFE and regional high school students, agricultural groups and industry forums, and met directly with rural employers and workers at rural shows held around the State, including Agfest.

Equipping workers and industry to create safe workplaces

The Health, Safety and Wellbeing Advisory Service has continued to successfully help small to medium-sized businesses make their workplaces safer and healthier through practical, individual support and guidance.

This year, the Advisors made 364 visits to 318 businesses around the state, and took part in regional and community events and shows. They also rolled out the student and new worker program to schools, colleges and job seeker agencies to prepare the next generation of workers and business owners for their work health and safety roles and responsibilities, making 125 school presentations to 1,645 new and future workers.

Encouraging workplaces to be work health, safety and wellbeing leaders

The WorkSafe Awards are conducted every two years to promote, encourage and publicly recognise innovation and excellence; influence the community's attitudes and values towards work health, safety, wellbeing, rehabilitation and return to work; and encourage a change to positive behaviours and broader workplace engagement.



Figure 6.2

The 2018 WorkSafe Awards celebrated the outstanding achievements of small and large businesses, private industry, local and state government, and individuals. Entrants came from education, mining, forestry, health care services and more. The ultimate award, the Leadership Excellence Award, went to St Vincent Industries Incorporated.

Strategy 3: Regulatory Frameworks

Maximising opportunities to improve regulatory frameworks

The *Workers Rehabilitation and Compensation Act 1988* was amended in June 2019 to provide Tasmanian Government employees and volunteer first responders a presumption that a post-traumatic stress disorder (PTSD) diagnosis is work-related for the purpose of workers compensation. This legislation is the first of its kind in Australia.

Our legislative program also included the following work to maintain harmonisation with national health and safety laws and to reduce unnecessary regulation:

- implementing nationally-agreed amendments to the *Work Health and Safety Regulations 2012*;
- amending the *Dangerous Goods (Road and Rail Transport) Regulations 2010* to adopt changes made to the National Transport Commission's model laws;
- repealing the *Long Service Leave (Casual Wharf Employees) Act 1982*; and
- transferring Anzac Day shop trading provisions from the *Shop Trading Hours Act 1984* to the *Anzac Day Observance Act 1929*.



Figure 6.3

National forums

WorkSafe Tasmania contributes to national workplace safety and workers compensation forums, facilitated by Safe Work Australia, the Heads of Workplace Safety Authorities and Heads of Workers' Compensation Authorities. Work of note completed this year included Safe Work Australia's review of the model work health and safety laws.

Promoting innovative solutions

Work commenced to implement a new information management system, 'InSpect It', to support the work of the Inspectorate. It will replace existing manual processes and enhance consistent and accurate decision making.

Facilitating meaningful opportunities for community consultation

WorkSafe Tasmania responded to community concerns about historical herbicide exposure through the provision of information for employers and workers about the risks of exposure, what workers should do if they have health concerns, and possible compensation entitlements.



Figure 6.4

Strategy 4: Exemplar Regulator

Delivering principles-based regulation

Requests for advice, complaints from workers, their representatives and the public, together with notifications of serious injuries or illnesses or dangerous incidents are the key drivers for response activity. Inspectors attend workplaces to assess the cause of a notifiable incident and ensure action has been taken to prevent a recurrence. Where required, inspectors investigate complaints and notified incidents to determine whether enforcement action is required as a result of businesses, undertakings or persons not complying with their legislative obligations. Inspectors also attend workplaces to undertake compliance inspections as part of targeted harm reduction strategies.

Figure 6.5: Types of Requests

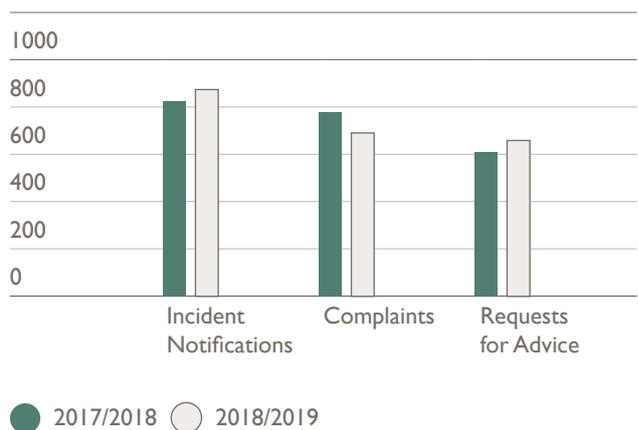


Figure 6.1: Mental Health Campaign - Safety is everything.

Figure 6.2: Safe Farming Tasmania Senior Consultant Phill John.

Figure 6.3: WorkSafe Tasmania's Advisory Service event engagement - Wellbeing Expo.

Figure 6.4: WorkSafe Tasmania's Advisory Service event engagement - Wellbeing Expo.

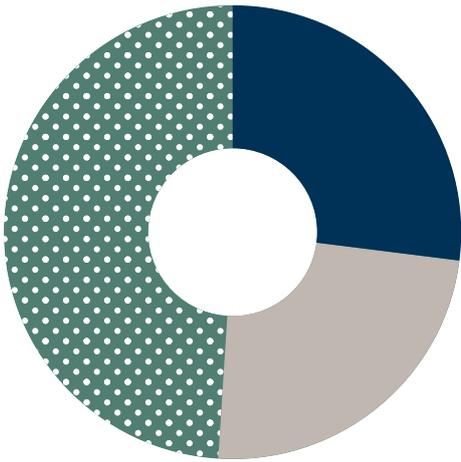


Figure 6.6: Types of Workplace Attendances 2018-19

Complaints	579
Incidents	530
Inspections	1064

While the main focus of an inspector is work health and safety, they also respond to complaints from employees regarding workers rehabilitation and compensation, and long service leave matters.

Figure 6.7: Nature of Requests Received

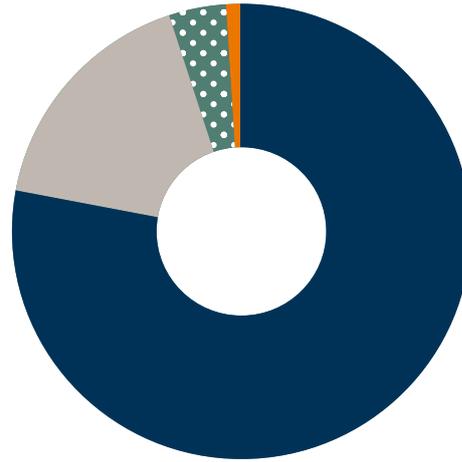
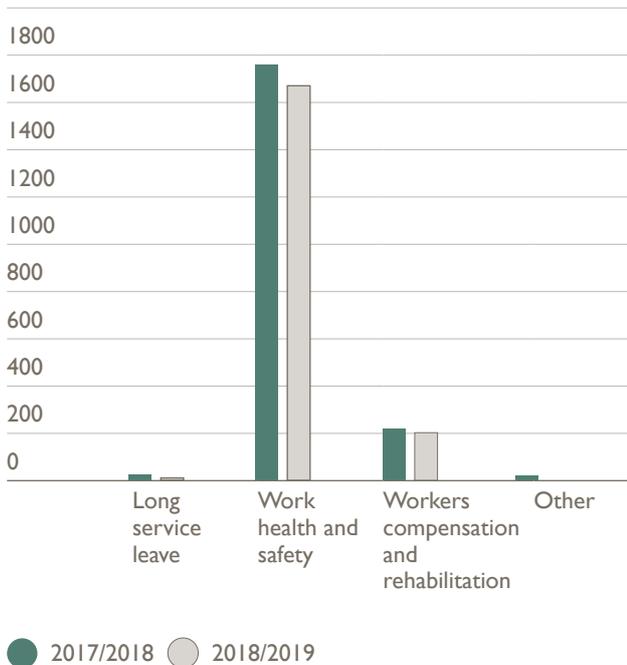


Figure 6.8: Compliance and Enforcement Actions 2018-19

Improvement Notices	444
Prohibition Notices	94
Infringement Notices	24
Prosecutions Commenced	4

The work health and safety regulator and inspectors apply the National Compliance and Enforcement Policy when making compliance and enforcement decisions. The proportionate use of these actions is reflected in the graph below where actions to direct compliance (improvement and prohibition notices) are used with greater frequency than sanctions (infringement notices and prosecutions).

Accreditation, Licensing and Permits

Our accreditation, licensing and permit scheme ensures high risk, high consequence activities are undertaken by persons and businesses with appropriate qualifications, knowledge and character.

Table 4.2: Accreditation, Licensing and Permit Activities

Accreditation, Licensing and Permit Activities	2016/17	2017/18	2018/19
Asbestos assessors and removalists licences	46	8	23
Background clearance checks	148	199	167
Construction industry white cards	2216	2159	2491
Dangerous goods driver and vehicle licences	214	281	242
Explosives authorisations	38	25	14
Explosives import and export notifications	67	42	37
Fireworks permits	615	768	533
Hazardous chemical notifications	41	29	45
High risk work assessor registrations	26	39	31
High risk work licences	8142	10079	10491
Plant design and item registrations	1113	1023	618
Security-sensitive dangerous substances exemptions, permits and accreditations	121	284	180
Shot-firer permits and accreditations	44	74	67
WHS entry permits		30	23
TOTAL	12831	15040	14962

Tasmanian Planning Commission

The Tasmanian Planning Commission (TPC) is an independent statutory body, established under the *Tasmanian Planning Commission Act 1997*. It performs a range of planning assessment, review and advisory functions under the legislative framework for the Tasmanian Resource Management and Planning System, including:

- the Tasmanian Planning Scheme (State Planning Provisions and draft Local Provision Schedules);
- draft planning scheme amendments and combined scheme amendments and planning permits;
- draft planning directives and interim planning directives;
- projects of state or regional significance;
- draft state policies and state of the environment reporting; and
- draft park and water management plans.

The TPC operates in accordance with its legislative responsibilities, a Ministerial Statement of Expectation and an administrative framework provided by the Department of Justice. The TPC provides public access to planning schemes and information on statutory assessments and reviews through the iplan website.



Our White Ribbon Accreditation journey

Posters featuring photos of Agency Executive members and highlighting their personal thoughts on the importance of White Ribbon began to appear around workplaces in November.

Report on Performance

The Commission's key performance areas were as follows:

- Planning Scheme Amendment Assessments
- Other Statutory Assessments and Reviews
- Draft Local Provision Schedule (LPS) Assessment - Tasmanian Planning Scheme (TPS) Implementation
- Resources and Systems
- State of the Environment (SOE) Reporting

Table 6.3: Draft amendment and combined permit and amendment applications

Measure	2016-17	2017-18	2018-19
Total number of applications	63	70	50
Number of draft planning scheme amendments (s.40 of LUPAA)	42	49	40
Number of combined permits and draft amendments (s.43A of LUPAA)	21	21	10
Number approved	53	54	47
Average number of assessment days	112	85	86

Table 6.4: Urgent amendments to interim planning schemes

Measure	2016-17	2017-18	2018-19
Number of urgent amendments recommended by the Commission and approved by the Minister (s.30IA of Land Use Planning and Approvals Act)	226	96	14

*Note: Urgent amendments were primarily used to amend interim planning schemes. As the assessment of each interim scheme was completed, the need for urgent amendments has naturally decreased in subsequent financial years.

The Commission has also completed the following assessment and other tasks in 2018-19, including:

- Pre-exhibition assessment of the Meander Valley, the Brighton, and the Central Coast draft Local Provision Schedules (LPS) under the Tasmanian Planning Scheme (TPS), and directions to the planning authorities to commence their public exhibition; and
- Commencement of public hearings following public exhibition of the Meander Valley draft LPS.
- Commencement of pre-exhibition assessment of a further eight draft LPSs under the TPS and identified additional resourcing for the remaining 18 draft LPSs that are expected to be submitted by planning authorities in 2019-20;
- Minor amendments to the State Planning Provisions (SPPs).
- Preparations for commencing the SOE report; and
- Introduced a Code of Conduct for the Executive Commissioner, Commissioners and Delegates and made consequential updates to governance arrangements to reflect the Code.

The TPC's annual report is available at <https://www.planning.tas.gov.au/>

Planning Policy Unit

Planning Reforms 2018-19

The Planning Policy Unit (PPU) is responsible for providing strategic and policy advice to the Minister for Planning in relation to land use planning matters, the *Land Use Planning and Approvals Act 1993* (the Act) and matters falling within the planning portfolio under the *State Policies and Projects Act 1993* and other Resource Management Planning System legislation. The PPU also assists the Government in implementing its planning and planning-related reforms.

Support local councils in delivering the Tasmanian Planning Scheme

As part of the Government's proposed Tasmanian Planning Scheme, local councils are finalising their draft LPSs which apply the zones set out in the SPPs, which were made on 17 Feb 2017, within municipalities. The SPPs will not apply in a council area until the LPS has been finalised for that municipality.

In response to an expectation by Government that draft LPSs be submitted by local councils to the Tasmanian Planning Commission for assessment by 30 June 2019, the PPU has provided support to councils to 'accelerate' the delivery of their draft LPSs.

The PPU also delivered amendments to the Act which streamlined the LPS preparation and assessment processes, these were incorporated with the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018.

Table 6.5: Workshops provided to councils to support submission of LPS

Measure	2016-17	2017-18	2018-19
Workshops provided to councils to support submission of LPS	NA	NA	24

Other initiatives progressed in 2018-19

During 2018-19, the PPU progressed a number of planning-related initiatives, some of which are outlined below.

- As an action arising from the Housing Summit of 15 March 2018, the Government made a commitment to accelerate the supply of affordable housing by increasing the supply of land deemed as being suitable for residential use and managed under the *Homes Act 1935* to meet Tasmania's Affordable Housing Strategy 2015-2025. In response to the Government's commitment, the PPU developed and established a statutory process for fast tracking the zoning of land suitable for affordable housing - the *Housing Land Supply Act 2018*.

- The PPU delivered two Orders pursuant to the *Housing Land Supply Act*: the Housing Land Supply (West Moonah) Order 2018; and the Housing Land Supply (Rokeby) Order 2018. These Orders rezone parcels of government land for residential use by Housing Tasmania. It is anticipated that the Housing Land Supply (Devonport) Order 2018 will be effective from 10 July 2019.
- In August 2018, the Government announced that it would introduce new legislation to address compliance concerns relating to short stay accommodation - to ensure compliance with existing regulations and that those who benefit from the sharing economy are 'playing by the rules' in relation to the planning requirements. The PPU established a statutory process that delivers a data sharing partnership with online visitor booking platforms that offer short stay accommodation in Tasmania. The *Short Stay Accommodation Act 2019* came into effect on 4 June 2019 and serves two purposes:
 - ensures that everyone is playing by the new rules; and
 - provides a clearer picture of the extent of short stay accommodation across Tasmania.
- The PPU delivered a legislative framework to support establishment of a suite of Tasmanian Planning Policies (TPPs) to provide strategic direction to the planning system. The *Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Act 2018* became effective on 17 December 2018 and a scoping paper will be released seeking advice on the scope of issues that should be covered by the suite of TPPs, with formal preparation of draft TPPs expected to commence in late 2019.
- The PPU has been progressing the delivery of new legislation to replace the Projects of Regional Significance process with a new Major Projects Assessment process in LUPAA. A draft Bill has now been subject to two periods of public consultation, with minor amendment underway. It is anticipated that the Bill will be introduced to Parliament in late 2019.

Table 6.6: Housing Land Supply Orders delivered

Measure	2016-17	2017-18	2018-19
Housing Land Supply Orders delivered	NA	NA	2

The PPU is actively involved in the delivery of the Hobart City Deal and the Greater Hobart Act work program, particularly in the way these interface with regional land use planning. The PPU is the main Government body working with the Hobart City Council on a joint Precincts Plan for the inner city area.



Figure 6.9

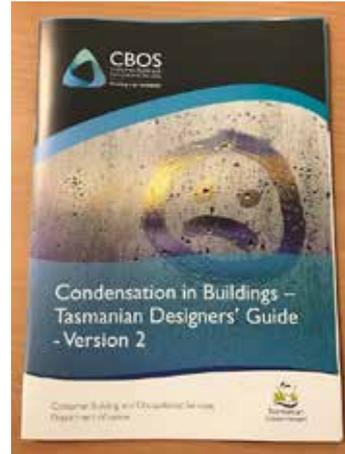


Figure 6.10

Consumer, Building and Occupational Services

Consumer, Building and Occupational Services (CBOS) is responsible for the administration of:

- building and construction industry standards;
- electricity and gas industry standards and the associated technical safety;
- various registration and occupational licensing processes, including working with vulnerable people;
- administration of rental bonds and bond dispute processes; and
- compliance and dispute resolution across building, construction and consumer law.

CBOS staff developed a five-year strategic plan in 2017 that reflects a fresh approach to the work of CBOS, which has been developing since it was formed in 2015, with a focus on shared responsibility.

As part of the strategic plan, CBOS staff developed a set of goals and principles that influence how it will engage with, and deliver our services to the community as well as develop and strengthen its organisational culture.

Our Mission Statement

A fair, just and safe Tasmania through the delivery of equitable, efficient and effective consumer, building and occupational regulation.

Our Goals

- Improve trading practices and safeguard the community.
- Increase the capacity of consumers and industries to understand and exercise their rights and obligations.
- Develop and manage systems and processes that support the effective operation of our services.
- Build the skills of our staff to maximise the effective operation of our services.
- Strengthen our organisational culture to support a positive and productive workplace.

Our Principles

Engagement: Listening to the community and users of our services about their service needs.

Respect: Treating all users of our services, our partners and each other with respect and courtesy.

Value: Delivering information that is clear and accurate and services that are prompt and efficient.

Innovation: Tailoring services and using digital technology to meet the diverse circumstances of our service users.

Collaboration: Working together and with partners to continuously improve our services.



Figure 6.11

Policy and Projects

The Policy and Projects Unit is responsible for:

- developing legislation around building standards, trade and risk-based licensing and consumer law; and
- communicating with the community and our licensees about CBOS services and activities.

During the 2018-19 reporting period, we:

- increased the safety of Tasmanians using and working with gas and electricity by delivering a new *Gas Safety Act 2019* and commencing a review of the Electricity Safety legislative framework;
- responded to concerns about shoplifting by developing a Tasmanian Code of Practice to allow appropriately trained retail staff to check bags;
- improved the operation of the residential tenancy system to assist victims fleeing family violence and implemented accommodation requirements for the National Disability Insurance Scheme through amendments to the *Residential Tenancy Act 1997*;
- increased the safety of Tasmanians by amending the *Registration to Work with Vulnerable People Act 2013*;
- engaged with the community and our licensees through our plain English website, Connections magazine, and information booklets for builders, plumbers, electricians and gas-fitters, including the *Condensation in Buildings – Tasmania Designers' Guide*;

- engaged with the community on consumer affairs issues through our Consumer Affairs and Fair Trading Facebook page. The page, with more than 2,700 followers, allows CBOS to get warnings and other information to the Tasmanian community quickly. The most popular post published in 2018-19 was about the Wonder Cooker recall which reached more than 40,000 people with almost 5,000 total engagements (reactions, comments and shares), and was shared more than 300 times;
- collaborated with our interstate partners on the national review of the Australian Consumer Law, hosted CAANZ – the meeting of senior Consumer Affairs Officers from around Australia and New Zealand, in Hobart in August 2018, and planned and supported CAF – the meeting of Consumer Affairs Ministers; and
- participated in national reviews on consumer guarantees around failures in vehicles and caravans and raised consumer awareness on product recalls such as Takata airbags and the Wonder Cooker.

Figure 6.9: The CBOS Connections magazine.

Figure 6.10: The CBOS Condensation in Buildings – Tasmanian Designers' Guide – Version 2 booklet.

Figure 6.11: Consumer Affairs and Fair Trading Facebook post.

Compliance and Dispute Resolution

The Compliance and Dispute Resolution (CDR) Unit includes the Tasmanian Office of Consumer Affairs and Fair Trading and is responsible for:

- an advisory service surrounding disputes;
- investigating breaches of legislation; and
- undertaking proactive auditing within the building and consumer industries.

During the 2018-19 reporting period CDR:

- completed a Permit Authority engagement program with local councils state-wide (an ongoing program from 2017-18);
- conducted an audit into short and medium term visitor accommodation in Tasmania;
- commenced a Building Surveyor technical audit, to be completed in the 2019-20 financial year;
- completed on-site occupational licensing audits focusing on plumbing, gas-fitting and electrical trades;
- led product safety awareness campaigns including a pool safety campaign in Tasmania; and
- commenced auditing of Building Services Providers who are licensed to perform restricted-roof drainage work.

Key outcomes of these audits

Proactive activities are an essential part of the CDR Unit's functions and it helps to educate and guide the community and industry about legislative requirements.

The following were key outcomes of proactive activities for the CDR Unit in 2018-19:

- 74 government employees educated across 23 local councils;
- 100% of builders with roof plumbing endorsements contacted for auditing;
- 80 commercial and residential construction sites visited including the Royal Hobart Hospital;
- 208 plumbing, gas-fitting, and electrical licences randomly audited;
- 100% of building surveyors contacted to be audited;
- 20% of self-assessed visitor accommodation properties inspected; and
- 119 engagements with property owners.

Disputes and investigations

The CDR Unit undertakes reactive work by providing an advisory service for disputes and investigating breaches of legislation. The CDR Unit assisted 1,441 enquiries from consumers and trades people, dealt with 343 complaints and undertook 23 investigations.

The following were key outcomes of reactive activities for the CDR Unit in 2018-19:

- 74 infringements issued;
- 5 matters referred to the Director of Public Prosecutions to institute proceedings;
- 2 public warnings were issued; and
- 17 product safety alerts issued.

Table 6.7: Total infringements issued

Occupation	Number issued	Value
<i>Building Act 2016</i>	3	\$2,703.00
<i>Occupational Licensing Act 2005</i>	71	\$58,610.25
TOTAL	74	\$61,313.25

Table 6.8: Number of enquiries and complaints - Australian Consumer Law matters

Nature of enquiry/complaint	2018-19
Consumer guarantees	554
Miscellaneous	173
Misleading or deceptive conduct	136
Not within jurisdiction	91
Repair, refund or exchange	155
Seek legal advice – Referral	82
Warranties	29
TOTAL	1,220

Table 6.9: Number of enquiries and complaints - Building matters

Nature of enquiry/complaint	2018-19
Building	320
Building surveyor	1
Conveyancing	1
Miscellaneous	49
Permit authority	2
Plumbing	50
Warranties	37
TOTAL	460

Table 6.10: Number of enquiries and complaints - Occupational licensing matters

Nature of enquiry/complaint	2018-19
Building	7
Electrical	15
Gas-fitting	13
Plumbing	57
TOTAL	92

Table 6.11: Number of enquiries and complaints - Other matters

Nature of enquiry/complaint	2018-19
Motor Vehicle Traders	21
Prepaid Funerals	2
Retail Tenancies	10
Security	2
TOTAL	35

Regulatory Services

Rental Services Unit

Rental Services was established in 2009 and requires rental bonds paid by tenants to be held in trust managed by the Rental Deposit Authority until the end of the lease. Previously bonds were held by property owners or agents, and disputes had to be resolved through the Magistrates Court.

Rental Services has two sections:

- the Rental Deposit Authority (RDA); and
- the Residential Tenancy Commissioner (RTC).

The RDA provides an independent and more accessible service for lodging bonds, changing tenants and claiming bonds.

The RTC was established to determine disputes over bond refunds and to enforce compliance with the *Residential Tenancy Act 1997*.

Areas of key focus for Rental Services this financial year were:

- improving transparency of bond processes;
- improving access to bond records;
- improving efficiency of bond returns;
- increasing public awareness of legal rights and responsibilities for renting in Tasmania;
- streamlining the dispute process; and
- developing and implementing of an online bond management system with public portals and access.

The New MyBond System

The new bond management system MyBond was launched on 1 May 2019, offering 24/7 online access for property managers, owners, tenants and deposit contributors. The new system allows electronic bond lodgement, change of details and bond claims. The system also allows tenants to pay their bond online rather than just at Service Tasmania. Significant industry consultation and training was provided prior to the system launch, and instructional videos are available on the CBOS website to assist the public.

The introduction of the system resulted in 23% of bonds paid online in its first month, and a significant increase to 51% in its second month.

The MyBond system provided improved efficiency, transparency and access by:

- enabling access to view the status of a bond at any time;
- notifying tenants of any actions undertaken in the system against their bond;
- allowing any party to initiate a bond claim;
- enabling immediate agreement or disagreement with a bond claim;
- requiring owners to specify reasons for a claim against a bond, which are then viewable by the tenant;
- enabling owners, agents and tenants to upload evidence into the system for assessment by the RTC;
- facilitating tenants transferring in and out of tenancies; and
- facilitating owner bond management and owner transfers.

Following stakeholder consultation and feedback, additional functions and enhancements will be added to the system over time. These will include improved reporting options for auditing purposes, and more flexible tenant transfer processes.

Rental Services Activities

Rental Services attended various public events in 2018-19. These events help to increase public awareness of the RTC processes, as well as tenant and owner rights and responsibilities. Rental Services attended events including:

- University of Tasmania open days;
- state information forums;
- virtual forums for MyBond; and
- the launch of online videos to assist with navigating MyBond.

The RDA processed an average of approximately 1,400 bond lodgements and 1,500 bond claims per month in the 2018-19 financial year. This came to a total of 16,618 lodgements and 17,749 claims for the year. 2,739 claims were referred to the RTC as a dispute, representing 15% of claims.

The RDA maintained its timeframes for processing claims, paying out 89% of claims within 10 days, and 80% of disputed claims were paid out within 30 business days of the dispute referral. A comparison of the history of these figures is illustrated in the table below.

Table 6.12: Bond claim payments (disposition and clearance rates)

Financial year/disposition	Claim Paid	% of claims paid
2018-19	17,749	
0 - 30 Days	15,585	87.8
30 – 60 Days	1,899	10.7
60 – 180 Days	265	1.5
2017-18	17,811	
0 - 30 Days	15,670	88
30 – 60 Days	2,019	11
60 – 180 Days	122	0.6
2016-17	18,207	
0 - 30 Days	16,025	88
30 – 60 Days	2,073	11.4
60 – 180 Days	109	0.1

The RTC continues to investigate claims, disputes and non-compliance under the *Residential Tenancy Act 1997*. Tenants and owners can contact the RTC to:

- make an enquiry;
- make a complaint;
- apply for an order for an owner to undertake repairs;
- apply for a review of a rent increase; and
- apply for an exemption from the Minimum Standards provisions.

The RTC can take enforcement action where a breach is identified. The RTC attempts to resolve issues using a joint approach, prioritising the achievement of outcomes that maintain the relationship between parties while providing education and guidance.

The RTC investigated 168 complaints this financial year. Of these, outcomes were achieved within 30 business days for 70% of cases.

A historical comparison of the volume of investigations, enquiries and outcomes undertaken by the RTC is outlined in the table below.

Table 6.13: RTC investigations

Investigation	2016-17	2017-18	2018-19*
Bond disputes	2,717	2,485	2,739
Later agreed	542	540	486
Individual	1,861	1,622	1,711
Joint	314	323	412
Complaints/applications	205	141	168
Non-compliance	82	58	61
Repairs and minimum standards	106	55	74
Unreasonable rent increases	17	28	33
Exemptions	6	5	8
Email enquiries	832	606	535
Total	3,760	3,237	3,450

*Note: Some files remained under investigation at the end of the reporting period.

Occupational Licensing

The Occupational Licensing Unit is responsible for licensing trades such as plumbers, electricians and gas fitters, and also Building Services Providers such as builders, architects, building surveyors and engineers.

Licensing is an important consumer protection.

An additional 815 licences were issued during 2018-19, which is a result of the continued upturn in building and construction in the state.

Tasmanian licence holders are required to undertake Continuing Professional Development in order to ensure that their skill level and knowledge is up to date.

CBOS also conducts a compliance program to ensure people who are undertaking work are appropriately licenced, and licence holders are working within their licence conditions.

Table 6.14: Number of licenced practitioners

Trade Occupation	2017-18	2018-19
Electrical practitioner/provisional	5,192	5,430
Plumbing practitioner/certifier/provisional	1,271	1,428
Gas-fitter practitioner/certifier	438	465
Electrical contractor	955	1,032
Plumbing contractor	537	580
Gas-fitter contractor	196	220
Automotive gas-fitter practitioner	58	49
Automotive gas-fitter contractor	7	5
Total	8,654	9,209

Table 6.15: Number of licenced Building Service Providers

Building Service Provider	2017-18	2018-19
Architect	228	255
Builder	1,931	2,087
Building Designer	436	441
Building Services Designer	74	78
Building Surveyor	72	76
Civil Designer	7	7
Construction Manager	94	89
Demolisher	53	54
Engineer	338	405
Fire Protection Services Builder	13	14
Total	3,246	3,506

Corporate Affairs and Charity Registrations

Many Tasmanian not-for-profit organisations are incorporated by the *Associations Incorporation Act 1964*. These largely include local clubs and associations.

The purpose of the *Associations Incorporation Act* is to allow small associations the opportunity to incorporate as inexpensively as possible, by providing an alternative to the process under the *Corporations Act 2001*. All other States and Territories have adopted similar legislation.

Table 6.16: Number of Registered Incorporated Associations, Co-operatives and Charities

Registration Category	Total Registrations	Registered in 2018-19	De-Registered in 2018-19
Incorporated associations	3,682	149	133
Co-operatives	25	14	0
Limited partnerships	135	0	0
Charities	1,210	170	0
Total	5,052	321	133

This year 81 incorporated associations were de-registered due to non-lodgement of an annual return and 52 following an application for self-revocation.

Risk Based Licensing

The Risk Based Licensing Unit is responsible for registering people to work with vulnerable people, and the registration of security officers and security agents, as well as motor vehicle traders.

Registration to Work with Vulnerable People

With the increasing demand for better protection of vulnerable people, the Department of Justice, in line with all other states and territories, is working to introduce

broader and more consistent policies to protect vulnerable people within the community. The Registration to Work With Vulnerable People (RWVP) Unit works with relevant bodies to help better protect vulnerable people including:

- The Royal Commission into Institutional Responses to Child Sexual Abuse;
- Aged Care Quality and Safety; and
- Violence, Abuse, Neglect and Exploitation of People with a Disability.

The RWVP Unit and Changes to the RWVP Act

Having registered more than 127,000 Tasmanians as of 30 June 2019 to work in child related activities. As of the same period, 55 applicants have been deemed unsuitable to work or volunteer with children, and continuous monitoring has resulted in 14 registrations being cancelled to date.

Table 6.17: Risk based registrations of new applicants/renewals by purpose

Purpose of applicant	2017-18	2018-19
Employment/Volunteer	17,628	25,860
Volunteer	21,589	20,054
Total registrations	39,217	45,914

Tasmania has become signatory to two national agreements regarding pre-employment worker screening. The latest is a new nationally consistent approach to regulation under the National Disability Insurance Scheme. Both agreements allow screening agencies the capacity to access the status of cardholders from newly established central databases.

To allow for the introduction of registrations for those who work or volunteer with vulnerable adults and for the system to interface with the two new national registries, the RWVP Unit has begun an information technology extension project.

Amendments to the *Registration to Work with Vulnerable People Act 2013* passed in the Upper House in June of 2019 and allow for the incorporation of the new categories and the exchange of registration outcome information between the two new national registries.

Security, Conveyancing and Motor Vehicle Traders

Additional to the RWVP Unit, risk based licensing and registration also encompasses security, conveyancing and motor vehicle trader licenses. With conveyancing and motor vehicle trader licensing remaining relatively steady over the period from July 2016 to June 2019, the majority of the growth has been in individual security licensing. Auditing of this sector is due to be undertaken in the 2019-20 financial year.

Table 6.18: Risk based licences by category

Licence Category	2016-17	2017-18	2018-19
Conveyancers	17	14	19
Motor Vehicle Traders	145	122	142
Security (individual)	1,727	2,075	2,077
Body Guard	75	72	79
Commercial	35	37	51
Crowd Control	1,434	1,738	1,765
Inquiry	145	130	137
Monitoring Room Operator	411	462	467
Security General Guarding	1,553	1,885	1,931
Security with Dog	18	16	12
Security with Firearm	115	110	97
Security (body corporate)	81	86	74
Total Licences	1,970	2,297	2,312

Technical Regulation

Standards and Regulation – Building and Plumbing

The Building Standards and Regulation (BSR) Unit and Plumbing Standards Regulation (PSR) Unit administer the regulatory framework for building and plumbing in Tasmania.

BSR and PSR both provide technical input to the development and interpretation of the National Construction Code (NCC) to ensure that a nationally consistent approach remains applicable to Tasmania.

The most significant change to the building and plumbing regulatory framework that occurred during the past 12 months has been the release of the NCC-2019. This is the first release of the NCC on a three-year cycle and is the culmination of a significant body of work for all jurisdictions and industry alike. This work will continue as the next cycle of proposed changes and provisions to the NCC has started, and guidance material provided for the NCC by the Australian Building Codes Board (ABCB) is reviewed and updated.

Condensation in Tasmanian homes has been a significant issue in building. Condensation can be the cause of structural problems to buildings and serious health issues. CBOS collaborated with the University of Tasmania and funded research into condensation, and produced a Designers Guide to provide strategies to minimise these risks. The Designers Guide has been published and was supported with education sessions around the state.

BSR and PSR have continued to work with industry and provided education and information sessions around the state to help practitioners understand and apply the regulatory framework. These business units continue to review and improve the information available to those impacted by the building framework, to ensure there is consistent implementation.

PSR attended the first Variations summit to the NCC – Plumbing. This event was the first of its type for plumbing regulation in the history of the NCC. The two-day summit resulted in potentially some increase in nationally aligned provisions. States and Territories were enthusiastic about reaching a consensus where possible and were informed by the ABCB that further project work being conducted by the ABCB over the three year cycle may provide more opportunities for variation reduction.

Gas Standards and Safety

The Gas Standards and Safety Unit monitors gas safety in Tasmania, consistent with the guiding aim of the Department of Justice to provide 'A safe, fair and just Tasmania'. Through the role of the Director of Gas Safety, CBOS strives to provide leadership and effective governance in respect to gas infrastructure, downstream installation safety and technical standards.

This is achieved by ensuring the evolving natural gas, compressed liquefied natural gas, biogas, hydrogen and LP Gas industries achieve levels of excellence in construction, operations, reliable supply, acceptable public safety and energy efficiency.

The Director of Gas Safety administers the safety and technical aspects of the *Gas Act 2000* and *Gas Pipelines Act 2000*.

Key outcomes for the 2018-19 reporting period:

- Effective planning for natural gas supply/quality and the successful response to incidents by gas entities, Department of State Growth, major consumers and the Director's office, which prevented any major interruption to Tasmanian natural gas supply;
- Continuing audits of the safe management of BOC's Westbury liquefied natural gas pipeline facility in consultation with the Major Hazard Facility (MHF) branch of WorkSafe Tasmania. The audit included an extensive review of safety management system performance including maintenance management systems, close out of targeted internal audit corrective actions, engineering management of change, and safety critical instrument functional testing;
- The Director contributed as a member of the newly formed Hydrogen Technologies Australian Standards Committee, and contributed to the Council of Australian Government Energy Council hydrogen strategy development. Hydrogen offers a new, sustainable energy storage future including transportation;
- Increased inspections of gas installations, as opposed to desktop design reviews, in line with public and industry expectations. Consultation with all liquefied petroleum gas suppliers increased LPG supply location compliance and safety. The subsequent review of

delivery driver training, compliance checklists, and non-conformance reporting resulted in a major increase in customers requesting gas installation safety and compliance assessments;

- Development of gas installation compliance data which has driven risk reduction measures including targeted stakeholder engagement and educational programs;
- A carbon monoxide awareness program continues to be a priority of the Director and the program is consistent with the national strategy for exposure to carbon monoxide. The Director is actively working with other national gas technical regulators, certification assessment bodies, suppliers, gasfitters and the manufacturers of open flued gas heaters to ensure the ongoing safety of the Tasmanian public and continued engagement with relevant manufacturers in respect to the approval of remedial actions to render these appliances safe, and with the identification of the location of heater installations to enable a targeted remedial program; and
- A major review of both the *Gas Pipelines Act 2000* and the *Gas Act 2000*. The Gas Safety Bill and Gas Supply Industry Bill passed both houses of Parliament and received Royal Assent on 9 April 2019. Proclamation and implementation of these Acts is expected to occur by the end of 2019, following stakeholder consultation of ensuing Regulations.

Table 6.19: Gas Standards and Safety Unit Activities

Activities	2017-18	2018-19
Gas infrastructure incident investigation	16	15
Reported third party activity incidents	10	13
Gas installation inspections	729	735
Gas installation desk top design assessments	310	230
Gas installation or storage incident investigation	17	17

Electrical Standards and Safety

The Electricity Standards and Safety (ESS) Unit monitors electrical safety in Tasmania, including electricity entity generation assets, customer installations and electrical product sales and use.

The ESS Unit is responsible for:

- electrical safety inspection contract;
- statutory compliance; and
- private overhead infrastructure management.

Electrical Safety Inspection Contract

A significant amount of electrical work conducted within Tasmania is inspected annually by TechSafe Australia, a company contracted to the Department of Justice, and managed by ESS.

These inspections ensure work performed is compliant with the Australian Standards, which are mandated by the *Occupational Licensing Act 2005* and intended to achieve a minimum acceptable level of electrical safety.

In order to achieve the key outcomes identified in previous year's analysis of this contract, a critical review was undertaken with the aims of identifying areas in need of improvement. This review was conducted by the unit and used industry feedback from previous industry consultations, mainly received through the Electrical Contractors Industry Liaison Committee.

An increase in communication between the contractor and ESS has resulted in not only ensuring contractual requirements have been achieved, but importantly, an improvement in the entire approach to electrical safety.

Key outcomes for the 2018-19 reporting period included:

- significant benefit experienced with inspection completion times in the decrease of time between receipt of the certificate and the subsequent inspection, from an initial average of 12 months to the current status of 84% now being performed within 30 days; and
- additional benefits for defect notice management that included the contractor managing 95% of all defect notices from the initial identification up to ensuring the satisfactory rectification, leaving only 5% for further compliance action by ESS.

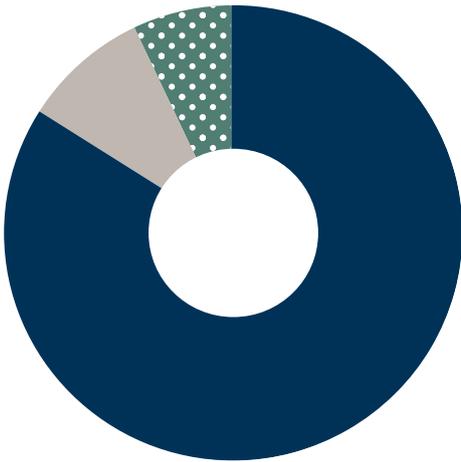


Figure 6.12: Electrical work inspection completion times

	Within 30 days	84%
	Within 60 days	9%
	+ 60 days	7%

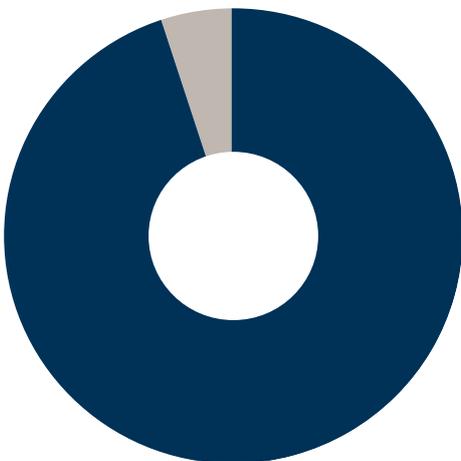


Figure 6.13: Electrical work defect notice management

	Defect notices deemed satisfactory	95%
	Defect notices outstanding	5%

Note: Techsafe has issued 5003 notices for substandard workmanship. Techsafe managed 95% of these through the process until workmanship met the standard



Figure 6.14

In addition to the General Inspection contract, ESS manages a High Risk Contract that upon completion will result in the electrical inspection of all education and health facilities within Tasmania.

To date, 378 facilities have been inspected, 30 ahead of the contractual schedule, identifying 3,509 defects of varying risk.

Electrical safety legislation places certain statutory obligations on licenced persons that perform or are responsible for electrical work. Transgressions of these requirements may result in an elevated risk and therefore need to be appropriately investigated.

ESS has a focus on achieving positive outcomes, and importantly seeks to achieve a long term reduction in identified breaches that is a result of a collaborative approach between industry and ESS.

One method which has been introduced by ESS is the option for the transgressor to self-evaluate and submit a plan to improve. This method has enabled a reduction in fee-based action to a more education-based model.

From the graph following it can be noted that 42% of all investigations now result in suitable business improvements or appropriate retraining.

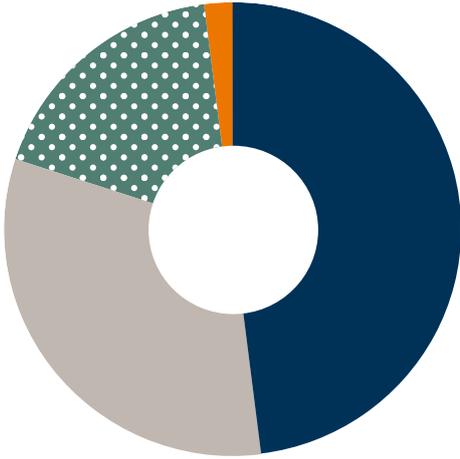


Figure 6.15: Compliance outcomes since 1 July 2018

	Infringements	40
	Improved business systems	27
	Retraining	15
	Licencing conditions	2

Private Overhead Infrastructure Management

Power pole failures have in the past resulted in bushfires and inadvertent contact with overhead cables resulting in electrocutions.

To ensure that these private assets remain safe and fit for purpose, TasNetworks conducts periodic inspections on these assets up to the metering point and then forwards the inspection results to the ESS unit for appropriate management until rectification.

Key outcomes for the 2018-19 reporting period included:

- significant improvement gained in the reduction of disconnections and the shortening in the time delay between notification and rectification, thereby reducing community risk and only resorting to the disconnection when every attempt to have the owner voluntary rectify has been exhausted; and
- the completion of a review into the management processes identifying possible improvements in the communication strategy that, when implemented, resulted in 98.5% of all defects being rectified within the allowed time period.



Figure 6.16



Figure 6.17

Electrical Equipment Safety

The failure of unsafe electrical equipment has in the past resulted in significant damage to property, mainly by fire.

DC Isolators, a switch used extensively on Solar Generation Systems, non-compliant washing machines and self-balancing scooter chargers (hover boards) have all been directly responsible for house fires in Tasmania.

The ESS Unit reviews every shock and fire attendance report to identify causes and systemic issues that need to be addressed via appropriate methods, these include product recalls, changes to manufacturing standards and education to the public about the pitfalls of purchasing equipment that does not display the necessary compliance marks, often a result of online websites.

In addition, Tasmania has recently become a signatory to a National Electrical Equipment Safety System that will harmonise safety requirements for electrical equipment. Involvement in this scheme applies a more stringent approach to equipment safety thereby reducing the risk of these incidents and thereby improving community safety.

Figure 6.14: The Plumbing Standards Regulation Unit at the National Construction Code - Plumbing Variations summit.

Figure 6.16: A private overhead power pole.

Figure 6.17: Fire damage caused by the failure of unsafe electrical equipment.



Officer profile: Michael Hall

Michael Hall wants to make a difference.

In his role as Enterprise Architect seconded to the Justice Connect program, he is helping to improve access to justice through the development of an end-to-end justice and corrections technology solution for Tasmania.

But Michael has also volunteered for the Department of Justice White Ribbon Accreditation Program, opening up a new way to contribute.

Michael joined the White Ribbon Working Group because he understands just how important encouraging cultural change is in the area of family violence and violence against women.

“I’ve seen the devastation that it causes for women and children – it affects their whole life.” Michael said.

“This issue affects us all and will not go away unless we change something; I want to be a part of making a difference.”

The Working Group has met regularly over the past 12 months and the Department is now well on its way to becoming an Accredited Workplace.

However, Michael points out that this is just the start.

“We don’t want to just tick the box and move on,” he said. “We’re part of a wider effort across government and that will trickle down to all of society. It’s about creating a better future for our families, while helping people who are impacted today.”