

PORTFOLIO COMMITTEE NO. 4 - CUSTOMER SERVICE AND NATURAL RESOURCES

Friday, 28 October 2022

Examination of proposed expenditure for the portfolio area

FAIR TRADING

UNCORRECTED

The Committee met at 09:30.

MEMBERS

The Hon. Mark Banasiak (Chair)

The Hon. Taylor Martin

The Hon. Peter Poulos

The Hon. Peter Primrose

VIA VIDEOCONFERENCE

The Hon. Anthony D'Adam

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 823
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The CHAIR: Welcome to the supplementary public hearing for the inquiry into budget estimates 2022-2023. I acknowledge the Gadigal people of the Eora nation, who are the traditional custodians of the lands on which we are meeting today, and I also pay respect to Elders past and present and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. I welcome department officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Fair Trading.

Before we commence, I would like to make some brief comments about the procedure for today's hearing. Today's hearing is being broadcast live via the Parliament's website. The proceedings are also being recorded and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, the House has authorised the filming, broadcasting and photography of Committee proceedings by representatives of media organisations from any position in the room and by any member of the public from any position in the audience. Any person filming or photographing proceedings must take responsibility for the proper use of that material. This is detailed in the broadcasting resolution, a copy of which is available from the secretariat.

All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand, and in those circumstances witnesses are advised they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. I remind witnesses that they are free to pass notes and refer directly to any advisers seated at the table behind them. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses are sworn prior to giving evidence. I remind a number of witnesses here today, however, you do not need to be sworn as you have been sworn at an earlier budget estimates hearing before this Committee.

Ms NATASHA MANN, Deputy Secretary, Better Regulation, Department of Customer Service, Head of SafeWork NSW, and NSW Fair Trading Commissioner, on former affirmation

Mr MATTHEW PRESS, Executive Director, Compliance & Dispute Resolution, Department of Customer Service, Better Regulation Division, on former affirmation

Ms MEAGAN McCOOL, Director, Construction Services Group, Metropolitan, Department of Customer Service, Better Regulation Division, on former affirmation

Mr JOHN TANSEY, Executive Director, Policy and Strategy, Department of Customer Service, Better Regulation Division, on former affirmation

Mr JIM KELLY, Director, Health & Safe Design, Department of Customer Service, Better Regulation Division, sworn and examined

The CHAIR: Today's hearing will be conducted with department witnesses from 9.30 a.m. to 11.30 a.m. During this session there will be questions from the Opposition and crossbench members only. If required, 15 minutes is allocated at the end of the session for Government questions. We thank you for your attendance today. We will begin with questions from the Opposition.

The Hon. ANTHONY D'ADAM: Thank you everyone for your attendance today. I wanted to start with a question about the approach that's taken by SafeWork. I think in a previous inquiry—maybe Ms McCool might be the best person to answer this—there was a reference made to the underpinning of the Work Health and Safety Act being a risk-based preventative framework. Is that correct, Ms McCool?

MEAGAN McCOOL: Yes, that's correct.

The Hon. ANTHONY D'ADAM: Can you just explain to the Committee what is meant by that idea of a risk-based preventative framework?

MEAGAN McCOOL: First of all, we're under model legislation. That is set out by Safe Work Australia that all States that have adopted follow the same provisions. In terms of risk-based, obviously when we look at matters, we're looking at foreseeability, we're looking at culpability and essentially going through, from a risk-based perspective, the breaches that can confirm penalties or for action to be taken.

The Hon. ANTHONY D'ADAM: Perhaps you might want to put that sort of in layman's terms. Is it fair to say that a risk-based preventative framework aims to try and prevent accidents from occurring in the workplace rather than focusing on the consequences after the event, after something has happened? Is that fair to say?

MEAGAN McCOOL: Of course. Prevention is obviously what we're here to do, but we also then have the penalties for where there has been an offence, a breach, an incident or a fatality.

The Hon. ANTHONY D'ADAM: So in terms of the compliance work that SafeWork undertakes, the object is really to emphasise preventative measures to shift the approach that is being taken by employers to ensure that they are taking necessary preventative measures to avoid workplace accidents. Isn't that right?

MEAGAN McCOOL: That's correct.

The Hon. ANTHONY D'ADAM: And that's, I suppose, the orientation that SafeWork takes to its compliance works.

MEAGAN McCOOL: Yes.

The Hon. ANTHONY D'ADAM: It's really aimed at shifting employer behaviour, isn't it?

MEAGAN McCOOL: That's correct. If you look at any of our employment schedules, the majority of it will be proactive where it's unannounced. We're focused on the harms that are of most risk but also, as I said, are there to prevent incidents happening. When you look at the reactive work, being our response, requests for services and incidents, that makes up a proportion of our work, but the majority of our work is in the proactive space.

The Hon. ANTHONY D'ADAM: Can you tell me about safety culture? What role does safety culture play in terms of a risk-based preventative framework?

MEAGAN McCOOL: It's very important. The underpinning parts of the legislation are around having a good safety culture and good consultation—safety from the top, right through to the bottom. That basically ties

everything in terms of the methodologies of how you do risk assessment. That's done in consultation. The culture of a workplace is very important to achieving good safety outcomes.

The Hon. ANTHONY D'ADAM: Is a poor safety culture a red flag in terms of potential risks? If your inspectors are out in workplaces and they can see that there's an absence of a strong safety culture in a workplace, does that set off a red flag for SafeWork in terms of its approach to compliance in that workplace?

MEAGAN McCOOL: It is one aspect, but there's also policies, procedures, safe work method statements, consultation and looking at the competency and training of workers. It is one aspect. It does tie, as I said, a lot of the human aspects together. In terms of culture, it definitely is one part. But the other ways—the risk assessments, the consultation, all of the policies and procedures, making sure staff are inducted, doing toolbox talks et cetera—are all part of it, which also makes up culture as well. There's also actions that determine what a good workplace looks like.

The Hon. ANTHONY D'ADAM: All of those elements would contribute to a safety culture in a workplace, wouldn't they? If they're doing all of those things, that's indicative that there's a strong safety culture in a workplace?

MEAGAN McCOOL: More or less, yes.

The Hon. ANTHONY D'ADAM: I might shift to Ms Mann for a moment. I want to ask about the answers to our further supplementary questions. Initially, I just want to go to the department's process in relation to responding. Obviously the Minister signs off on the responses that are provided to supplementary questions that are asked arising out of an estimates hearing. What is the process for the department? How do you go about answering the questions? There have been a number of questions around a number of incidents. Does someone go back and review the file in relation to those matters?

NATASHA MANN: That's right. When the requests come in, we would then allocate them to the appropriate part of SafeWork, and then the appropriate people in that division would review and pool the records as required.

The Hon. ANTHONY D'ADAM: They review a file, and the answers would then go through the executive structure. Is that correct?

NATASHA MANN: That's right. They would usually be signed off by the director, the executive director, and then myself as Head of SafeWork NSW.

The Hon. ANTHONY D'ADAM: In terms of the answers then, it's fair to say that those who are here today would have had some role to play in compiling the answers provided to those further supplementary questions. Is that correct?

NATASHA MANN: Not every one of my colleagues will have reviewed every one of the answers but, yes, on the whole, this is the SafeWork leadership team. On the whole, they would have reviewed different parts of the answers.

The Hon. ANTHONY D'ADAM: So it's fair to say that, in reviewing the answers, you have background information, including details around the observations that have been discerned from the file. Is that correct?

NATASHA MANN: As you can appreciate, Mr D'Adam, often these things are compiled with quite short time frames. If your question is have we done a full retrospective review of each one of these matters that have been asked for, the answer to that is no. But have we reviewed the information and documents that have been provided, the answer to that is yes.

The Hon. ANTHONY D'ADAM: I want to turn to the responses provided to the questions about the Landcom notification around the Lachlan's Line site. They are questions six to 11 in the further supplementary questions that were provided, I think, on 20 October. Mr Press, did you review the file in relation to this? This is in your bailiwick, isn't it?

MATTHEW PRESS: I reviewed the answers to these questions, but I did not review the incident file, no.

The Hon. ANTHONY D'ADAM: You didn't look at the file?

MATTHEW PRESS: No. That was done by my team.

The Hon. ANTHONY D'ADAM: How can you satisfy yourself that the answers are correct?

MATTHEW PRESS: Because I rely on my team, from the investigators through to the directors, to provide me with the correct information.

The Hon. ANTHONY D'ADAM: Was there a brief behind the answers? Surely there must have been some additional information provided in order for you to satisfy yourself that the answers were correct.

MATTHEW PRESS: I have briefs on this matter through other documentation. Based on my review of those, what was provided in response to those supplementary questions, I was comfortable that I could not observe any errors or omissions.

The Hon. ANTHONY D'ADAM: You were asked, "How many requests for service or notifiable incidents for the site did SafeWork receive in the year before the fatality?" What's been provided is a table, suggesting that that is an answer to questions (a) and (b). There appear to be five specific incidents listed there. Do you have the answer in front of you?

MATTHEW PRESS: I do.

The Hon. ANTHONY D'ADAM: You can see that there's a code, a reference number. Can you tell me what the reference number means?

MATTHEW PRESS: That'd be the reference number taken from the WSMS reporting system.

The Hon. ANTHONY D'ADAM: What does a reference number that begins with a "2" mean?

MATTHEW PRESS: I couldn't tell you. I'd have to hand over to Ms McCool, who deals with that detail.

MEAGAN McCOOL: It would generally relate to the category, so it's a category 2.

The Hon. ANTHONY D'ADAM: What's a category 2, Ms McCool?

MEAGAN McCOOL: A category 2 is a serious incident where we respond within 72 hours, and that's an inspector response.

The Hon. ANTHONY D'ADAM: What's listed here are five category 2 incidents. The question that was asked was about requests for service and notifiable incidents. Mr Press, were there no requests for service?

MATTHEW PRESS: You'll have to allow me time to look through my files, Mr D'Adam.

The Hon. ANTHONY D'ADAM: Okay.

MATTHEW PRESS: I might get back to you in a couple of minutes, if that's okay.

The Hon. ANTHONY D'ADAM: Yes, that's fine. I might move on. At our last hearing, there was some discussion around the interaction between Landcom and one of SafeWork's senior inspectors. Do you recall that, Mr Press?

MATTHEW PRESS: Sorry, Mr D'Adam, I was looking for your answer for your previous question. If you could just repeat, sorry?

The Hon. ANTHONY D'ADAM: That's okay, I might just give you time to find the answer.

MATTHEW PRESS: If you want to continue, we can come back.

The Hon. ANTHONY D'ADAM: The problem is my questions are primarily directed to you, Mr Press.

NATASHA MANN: If I could say, Mr D'Adam, I think Meagan McCool might be well placed to answer some of these questions in terms of background.

The Hon. ANTHONY D'ADAM: I believe that there was an answer returned—at the last hearing, I asked about whether the Landcom notification occasioned a physical inspection at the site.

MEAGAN McCOOL: Yes, we received a request for service on 1 December 2017. But it's important to know that, at that time, Greenland developments were the principal contractor. That was allocated to an inspector on Monday 4 December, they attended Wednesday 6 December and notices were issued on Thursday 7 December. Those notices were complied with and relayed back to Landcom on Wednesday 13 December, with Landcom confirming there were no further issues outstanding and there were no further issues raised by them as well. From 1 December, from notification, the matter was considered closed by 13 December. An inspector did attend and notices were issued.

The Hon. ANTHONY D'ADAM: I know there's been some issue in terms of naming the specific inspector, but was the inspection conducted by that senior inspector who'd been liaising with Landcom?

MEAGAN McCOOL: Yes, that's correct.

The Hon. ANTHONY D'ADAM: So that is the inspector who—

MEAGAN McCOOL: They attended site.

The Hon. ANTHONY D'ADAM: Why did that inspector then respond to Mr Betts of Landcom providing no indication that an inspection had actually occurred? I think he provided a response—

MEAGAN McCOOL: The inspector did attend the site on Wednesday 6 December. It's also important to note that the incident that occurred two years later was not the same principal contractor and the scaffolding company involved was not engaged at that point in time. The matter was in relation to Greenland developments. Two years later when the incident occurred it was a different principal contractor.

The Hon. ANTHONY D'ADAM: Yes, I appreciate that the contractors changed. I suppose we're looking at the responsiveness of SafeWork to notifications. Obviously, yes, the contractor changed but, as you can see, from the information that was provided at answer 10 (a) and 10 (b), there was a series of other incidents at that site. The initial notification from Landcom surely should've triggered a higher level of vigilance from SafeWork. Is that fair to say, Ms McCool?

MEAGAN McCOOL: The issues identified in 2017 related to incomplete barriers, slips, trips and falls, and inadequate flooring. It didn't have anything to do with the scaffolding. At that point in time the best way to describe it—the project was at the very initial stages. When the incident occurred that you're referring to on 1 April 2019, the project was at quite an advanced stage—and as I said, a different controller of the project at that point in time. The information raised was also satisfied by Landcom on 17 December—sorry, 13 December, and the matter was closed. The inspector contacted Landcom to confirm that the issues were resolved.

The Hon. ANTHONY D'ADAM: There's then a further incident on 30 July 2018, isn't there?

MEAGAN McCOOL: One second.

The Hon. ANTHONY D'ADAM: Malfunctioning concrete hose, I think—prohibition notice, improvement notices issued. Again, you're out on the site and there are safety issues. Then, of course, we can see from the answers returned at 10 that there's a sequence of further issues with this site, isn't there?

MEAGAN McCOOL: Well, in relation to July 2018, it related to concrete. From September it was a crane. November—it went into props, bricklaying, and then, as I said, the incident involving the scaffolding. In relation to a big site with a number of different PCBUs and different work activities occurring, there were no instances of any scaffolding issues in the lead-up. The incidents prior to that related to bricklaying, cranes and, as I said, concreting.

The Hon. ANTHONY D'ADAM: As we touched on earlier around the question of safety culture, when you go on to a site to do compliance work, isn't it appropriate that the inspector takes into account the overall safety culture? Rather than looking at this particular incident, this particular safety breach, shouldn't you be taking a look at the holistic picture and saying, "Hang on, there's not sufficient vigilance being applied at this site in relation to safety matters"? The culture is clearly an issue here that, overall, presents a hazard. Is that something that the inspectors take into account?

MEAGAN McCOOL: Of course they do, but also in terms of a big site with lots of different contractors, lots of different PCBUs, lots of different trades occurring, as I said, we're generally also looking for common trends. In this instance there wasn't any common trend. It wasn't all scaffolding incidents, for example. It was a few different things. Notices were issued in those circumstances to secure compliance. So, while they're unique and individual incidents there was no, I guess, connection between them. But, of course, we always would look at culture. We would look at—if there is a HSR there, we would even include the HSR on the walkaround. That is our role as a regulator. But there was nothing to indicate here in the information that we have and the matters that we responded to, as I said, there were no instances notices issued in relation to consultation.

The Hon. ANTHONY D'ADAM: I suppose what I am getting at is that someone died on this site, as you well know, and a number of safety issues have been identified by the regulator. Isn't it fair to say that that your risk-based, preventative approach catastrophically failed in this situation?

MEAGAN McCOOL: As I mentioned, the incidents prior to the lead-up to the scaffolding collapse didn't provide an insight that that was foreseeable. The PCBUs at that time, as I said, were managing controls, there were no incidents in relation to scaffolding. It was a tragic incident that, obviously, we take very seriously, including the work we've done with the families. But in relation to making that, I guess, allegation, there's no information that would support, as I said, that we could foresee that there was going to be that scaffolding collapse two years after the Landcom matter or in the incidents prior.

The Hon. ANTHONY D'ADAM: Wasn't there an incident on 22 January 2019 where a bricklayer fell from the scaffold as a result of the scaffold not being properly secured?

MEAGAN McCOOL: There was a spreader bar that had been removed, but that's not indicating that the scaffolding wasn't erected. It was a worker had removed a component.

The Hon. ANTHONY D'ADAM: Isn't there something wrong with the compliance approach being taken by SafeWork if you're focussing on the specific incidents rather than looking at the whole safety environment at a site?

MEAGAN McCOOL: We do look—we do a full site inspection. So, in terms of while we're looking at the incident, we do look at other things there. Again, in the information we have, there's no information to suggest that we weren't doing full inspections or looking at other things than what the incident related. So, when we go there, we'll check other things. We'll check housekeeping, we'll check who's the HSR, we'll check their records, we'll check various things. In terms of it—it's not an out-and-back situation when go to site.

The CHAIR: Sorry, Mr D'Adam, I will stop you there.

The Hon. ANTHONY D'ADAM: No, I was waiting for you. I was up to 21 and I thought "What's happening?"

The CHAIR: Yes, no worries. We will come back to you in about 20 minutes. For my line of questioning, I'm going to hand out some documents and, for your reference, they're from a freedom of information request put by some concerned residents at Cooma regarding the reservoir explosion that occurred on 4 January 2020. Once you get them, I ask you turn to the fourth page which is, essentially, the summary of events. If you look at the couple of paragraphs there describing the event, is it safe to assume that that information was obtained by SafeWork NSW from talking solely to council about the incident? How was that information obtained?

MATTHEW PRESS: Mr Banasiak, this sits in my area, but I wasn't in SafeWork at the time this arrived, and I don't know specifically how this was gathered but I do know the information on the incident was gathered from a range of sources, not just council or any particular one person.

The CHAIR: If we go down the page specifically where it says, "The tank was constructed in 1958 and it was last inspected by Public Works in 2014 after some leak repairs", who would have given you that information?

MATTHEW PRESS: We can all presume how information came in, we presume it might have been council officers.

The CHAIR: Okay, but we're not certain that it was from council? Because my concern is, and the fact of the matter is, that that one sentence is false, particularly where it says that it was last inspected by Public Works in 2014. The last inspection was actually in 2018 after it was decommissioned in 2017. My concern is that whoever provided you with that information provided false and misleading information regarding the safety of this water reservoir. If it was council, that's a concern. If it was someone else, that's a concern. I'm trying to ascertain who actually provided you this false and misleading information, which then obviously led to a poor decision around this incident.

MATTHEW PRESS: I'm not sure, from my perspective, whether that particular information is determinative in how this matter was handled.

The CHAIR: Is there anyone on the panel who can tell me who gave you this information? My concern is that this was considered a category two incident because of risk to life and then SafeWork NSW, despite not receiving any investigative report or any maintenance records from council, decided after 14 days that you didn't need to investigate any further. We now find that what they did provide you was false and misleading, or what information you do have was actually false.

MATTHEW PRESS: The information I have is that I describe the process a bit differently. There was quite a significant review of the matter, actually, by two inspectors. I've gone through the report that was provided by the second inspector, particularly to the investigation's decision-making panel. That report is very comprehensive on the issues with the tank. I would say it was known that the tank had issues. It needed repairs. The IDMP report, for example, points to the fact that council had discussed that it needed significant repairs in the region of \$900,000. That information about the state of the tank was known and considered.

The CHAIR: When did SafeWork decide to actually implement that IDMP?

MATTHEW PRESS: That was on 11 August 2021.

The CHAIR: My concern is that SafeWork NSW decided, after only 14 days of that incident in 2020, that there was nothing to see; move on. A year later you decide that there was something worth looking at. When did SafeWork NSW become aware that there was a second inspection by Public Works in 2018? When did SafeWork become aware of that document? Was that during the investigation decision-making panel's role?

MATTHEW PRESS: I don't have that information.

The CHAIR: Does anyone have that information, or do you want to take it on notice, as to when SafeWork found out about the 2018 Public Works inspection?

MEAGAN McCOOL: I can give a general time line. The incident occurred 4 January 2020, as you know. He was notified by the police on 5 January 2020. A Bega inspector attended on 9 January and it was closed out locally on 14 January. It was later, in July 2021, when a member of the community advocates association contacted SafeWork and the matter was re-opened. It was triaged also for another inspector response, and also the matter was investigated by the manager from the South Coast that is responsible for Cooma. That's where the IDMP submission was raised. The committee didn't support a decision for further investigation and the matter was closed.

The CHAIR: In that time line, when did the 2018 Public Works report come to light?

MEAGAN McCOOL: Through the course of that, raising it to the investigation decision-making panel.

The CHAIR: Did you go back to council and ask why they provided that false and misleading information when they only referenced the 2018 report? The 2018 report is significantly different.

MEAGAN McCOOL: I have no information to indicate it was false information. We'd have to look into that.

The CHAIR: Well, clearly it is false, isn't it? You've got your file here saying that Public Works did an inspection in 2014 and that was the last inspection. But now, as part of these documents, you have a 2018 inspection that lists quite a whole heap of things that need to be done to this reservoir as extremely critical. It states, "Address without delay. Notify operator. Warn personnel in the area." The risk is catastrophic if you don't do those things. In 2018 the council knew about this. The council then decides to fill up a water reservoir. Mind you, they didn't need to, because RFS warned them they didn't actually need to fill that reservoir for firefighting capability. But they ignored that advice, and they ignored a Public Works document that said that they shouldn't be using this reservoir unless those things were done.

I think the community and this Committee should be rightly concerned that someone has provided you with false and misleading information. Perhaps due diligence wasn't applied by your office in investigating this matter, because you closed it within the first 14 days. But then, when you re-opened it, you saw nothing wrong. Were you aware of the 2018 Public Works document when you did that panel?

NATASHA MANN: Mr Banasiak, if you do have further information about council somehow misleading SafeWork NSW, I'd be very keen to obtain that and we can then work through it.

The CHAIR: It's there in front of you. You've got information there that says that the last inspection by Public Works was in 2014, but then you've got a Public Works document dated 2018.

The Hon. PETER PRIMROSE: How could you not know about that?

The CHAIR: Clearly, the evidence is there right in front of you. Someone has given you the wrong information, or you haven't done due diligence and checked that that information is correct. For me, it's one or the other.

NATASHA MANN: Obviously, we'll have to take this particular incident on notice. But, as I said, if you do have any further information, we'd be very welcome for it.

MATTHEW PRESS: We also know that this matter has been reviewed by ICAC, because I referred a referral recently where they received information where a complainant suggested that council provided misleading information. They've reviewed that and decided not to investigate it, and referred it back to us for further consideration. They may well already have looked into this themselves.

The CHAIR: Did any member of Parliament or did the Minister raise concerns about this, either at the time of the incident or in and around the time that you decided to go to this decision-making panel?

NATASHA MANN: Not to my knowledge, no. Certainly that would not be acceptable practice. No.

The CHAIR: That's all I have for you at the moment.

MATTHEW PRESS: I think, Mr Banasiak, this incident is clearly a really challenging one. I think the IDMP had a really complex case to try and look at. From my knowledge, the issues with the tank and its failings were well understood. But the decision-making panel weighed heavily on the fact of the scenario that, being through bushfires, times of stress and also considering the outcome there that there was no serious injuries or anything of that nature—and I'm not here to say that that was necessarily the right decision, but that was the context that they looked at this and that's the decision they made. I have no powers now to re-investigate that. It's now statute barred, unfortunately. But it's not necessarily the decision that I would have made at the time.

The CHAIR: I think the fact that there was no injuries or no deaths is very good luck rather than good management. There was an 85-year-old or 90-year-old woman who was blind and woke up in the middle of the morning floating in her bedroom. There's also concerns around the disposal of household waste—it wasn't done according to proper guidelines in terms of getting rid of asbestos. Did the improper disposal of asbestos come up during your investigation in the independent decision-making panel? No?

MATTHEW PRESS: I can't recall, sorry.

The CHAIR: Do you have any information on your laptop there about that?

MATTHEW PRESS: I'd have to go back into the submission to confirm that for you.

The CHAIR: Okay. Are there any of those documents regarding the decision-making panel's decision or investigation that you'd be able to share with the Committee on notice? Obviously, you might be able to seek some advice and get back to us.

MATTHEW PRESS: Yes, I'd be happy to.

The CHAIR: That would be great. I think that concludes me, so I might throw back to Mr Primrose.

The Hon. PETER PRIMROSE: Good morning, Ms Mann. I apologise for my voice; I have a bit of hay fever going on here. Can I just get clear, from what was just said in relation to the IDMP, is it the policy position of SafeWork that it does not investigate a serious breach that could have caused catastrophic injury because there were no injuries?

NATASHA MANN: No. Mr Primrose, perhaps it would be helpful for the Committee for me to talk to you about how the process works.

The Hon. PETER PRIMROSE: It would be helpful for me if you just tell me whether that's the case or not?

NATASHA MANN: First of all, what will happen is the inspector—the inspector is empowered under the legislation to have autonomy and independence in terms of what action they take when they're investigating a matter. So it's the inspector who must form the reasonable belief whether or not to issue those prohibition notices, and they do that in complete independence. That's their role. As a matter of good practice, as a regulator—and I've been a regulator now for almost 20 years—when we determine whether or not to take something to prosecution, it isn't left to one inspector. So what we have in SafeWork is we've set up a robust and rigorous process called the IDMP, which is a peer review—

The Hon. PETER PRIMROSE: I'm sorry, can I just stop you there. I'm trying to understand—what has been put to us by the Chair is that, firstly, even though a report was referred by Peter Anderson to the IDMP, that 2018 report, you've indicated that no further action was required because, "Look, there were no serious injuries", whereas I understand that risk is the focus of a category 2 investigation, not injury.

NATASHA MANN: You're absolutely right and, perhaps, if it would help, I can tell you the considerations that the IDMP makes when it's determining whether or not to send a matter to prosecution. The first consideration is the severity and scale of potential actual harm. The panel then looks at the seriousness of any potential breach of law. It then looks at the duty holder's compliance history. It looks at matters of significant community concern or emerging issues. It, obviously, looks at evidentiary matters, so the availability of reliable evidence to proceed to investigation—

The Hon. PETER PRIMROSE: But you didn't even have the 2018 report?

NATASHA MANN: —to jurisdiction, and to the public interest. So, as you can imagine, it's a very complex matter. We have our SafeWork senior leadership team reviewing those matters. It's not easy. Do I agree with all of the decisions of the IDMP when I read them? No, I don't. But in terms of a mechanism, it is very important to have peer review for consistency and transparency. If I could just make one more point, Mr Primrose. You will have seen that we are now holding an inquiry into SafeWork NSW. Mr McDougall will be conducting

that inquiry, and these are exactly the sorts of things that I'm going to ask him to look at, to make sure that this panel is still fit for purpose and the considerations that they're applying are appropriate.

The Hon. PETER PRIMROSE: Yes, I noticed that, so far, your agency is currently being investigated by the New South Wales Auditor-General, a six-month inquiry, amid allegations that it failed to protect workers from serious injuries and death and its inspectors were subject to political interference, and then, as you've just mentioned, your Minister has announced that he has appointed retired Supreme Court judge Robert McDougall to carry out a review of SafeWork. As of 10:10, are you aware of any other inquiries into SafeWork that are about to be conducted—

NATASHA MANN: So—

The Hon. PETER PRIMROSE: —or have we only got two major inquiries so far?

NATASHA MANN: If I could, please. I've been in this role now for 11 months, and I want to say that the people of SafeWork are incredible. The inspectors and the management team are incredible. They, genuinely, take their job very seriously. They go to work to make sure that workers come home safely. However, it is time to have a look and see how we can do better, and some of the matters that we've raised today are exactly the sort of matters that we want Mr McDougall to look into. So I very much welcome the McDougall review. I have spoken to Minister Dominello in the lead-up to that announcement, and I very much welcome and encourage it. In terms of the Audit Office review—

The Hon. PETER PRIMROSE: Yes, can I make it clear I don't think anyone's criticising the inspectors. You're the guys in charge, as is the Minister, and I note that in the ministerial release you've expressed your support for the independent review. Which of the particular problem areas would you like it to zero in on, where you don't believe you've been performing up to standard so far?

NATASHA MANN: As I said, the SafeWork inspectors, the management team—it's a really difficult job. We've talked about two of these matters today, but we get 20,000 matters notified to us each year and many of them have features of serious injury and fatality. This is not an easy job for anybody.

The Hon. PETER PRIMROSE: We all fully appreciate that. But I'm trying to work out, given you've just given me a reason you may have problems, what you are hoping that these two inquiries will target to improve your performance.

NATASHA MANN: If I turn to the Auditor-General's review first of all, it's not an investigation, as you portray it. What it is is we have been added to the 2023 Auditor-General's program of works, and there are a number of agencies and programs on that 2023 list. I think it was unfairly characterised in the media as some sort of an investigation. We're added to the program, and we very much welcome audit reviews. They're part and parcel of government. That's the first thing. The Auditor-General will look at performance, so she'll look at things like timing and requests for service. Have we responded with our time frames? Are our time frames accurate and appropriate? What is the governance of processes and is that appropriate? She'll look at the performance level. When I've spoken to Mr McDougall, what we're looking at is to make sure that he doesn't overlap with that and that the two reviews complement one another. Mr McDougall will be looking more at the culture and the functions that we do and are we doing them properly. It will be wide ranging.

The Hon. PETER PRIMROSE: Tell me, though, what particular things do you want? Which are the problems at the moment? You've already outlined that you're getting a lot of referrals and a lot of concerns being expressed. I'll move on in a few minutes to some of the things your own staff are saying, but can you tell me which things are causing you concern at the moment that are leading to the problems that we've already seen and heard of this morning in relation to Cooma?

NATASHA MANN: As a regulator—any regulator—we can always do better. And some of the decisions and actions that we've taken—on any view, we could have done better on them. So what I'm hopeful for is that the two reviews will help us do better as a regulator. We're never, unfortunately, going to stop PCBUs' serious injuries and fatalities occurring altogether, but I would like to see some of those numbers going down and see PCBUs do a better job of protecting their workers.

The Hon. PETER PRIMROSE: Do we know yet what the terms of reference for the McDougall review will be?

NATASHA MANN: I've been speaking to Mr McDougall about that and we're in the process of settling them. As soon as they become available, Mr Primrose, I will send them to you but they will be publicly available.

The Hon. PETER PRIMROSE: When do you expect them to be announced?

NATASHA MANN: We will probably work through them in the next week and I would expect them the following week. But obviously I want to make sure that Mr McDougall is happy and also that the audit office doesn't feel that there's duplication.

The Hon. PETER PRIMROSE: Do you expect that there will be submissions?

NATASHA MANN: Absolutely, there will be submissions.

The Hon. PETER PRIMROSE: When do you expect that they may close?

NATASHA MANN: I'm afraid I don't have those details. As I said, I've been working with Mr McDougall and we will have those time frames shortly. But I would anticipate that he will run it in the same way as he ran his review into SIRA and icare. There were interviews, there were submissions, and the report and the submissions were made public where they were permitted to be made public.

The Hon. PETER PRIMROSE: Do you expect there'll be open, public hearings?

NATASHA MANN: Again, I will be speaking to Mr McDougall about whether he thinks that is a good way for him to proceed with the inquiry. So I can't answer that question at this point. But I do note—

The Hon. PETER PRIMROSE: Would you hope that there would be public hearings?

NATASHA MANN: I know that the SIRA and icare inquiry that he conducted did not have public inquiries. He may feel that garnering evidence in private is a more effective way of doing it. But, again, that's a matter for Mr McDougall and I will obviously respect what he wishes to do.

The Hon. PETER PRIMROSE: Can I now turn to some issues regarding workplace culture? I notice that in the further supplementary questions, there was a request for five years of SafeWork NSW's People Matter Employee Surveys, or PMES. In the answers you provided 2018 and 2019, but 2017, 2020 and 2021 were part of the parent cluster results. Are you able to provide that for those years?

NATASHA MANN: I believe we have provided that in the additional supplementaries, but if that's not the case then I can certainly provide what we have. To clarify, though, there have been structural changes along the course of those years, which can provide some impediments. For example, the 2017 report that we provided is a combination of SafeWork and SIRA data because at that time that's how the organisation was configured. So there are some limitations, but we will absolutely do our best. I should say, I think the PMES results—well, I don't think, I know they are very strong. Some of the allegations that have been aired publicly have caused this senior leadership SafeWork team to really interrogate the PMES results.

Mr Primrose, they are strong. For example, we have a 71 per cent engagement rate, which is 7 per cent higher than the public service average. Some of the things around bullying and misconduct, our rates are very much lower than the rest of the sector. That's the difficulty for me. I am hearing things and it sounds like you have some comments from people, but the data that we have in front of us and what we are seeing is not necessarily reflecting that. In fact, we are beneath the public sector average in terms of those bullying and harassment numbers.

The Hon. PETER PRIMROSE: Let's look at compliance and dispute resolution for 2021. Some 8 per cent of respondents had the intention to stay for less than one year in the organisation, 20 per cent witnessed or experienced bullying and 9 per cent experienced discrimination.

NATASHA MANN: Can I just add some colour to the people intending to leave? I looked at these figures last night and I think they are really important for this Committee to understand. In the inspectorate or the CDR area that Mr Press runs, our SafeWork inspectors, it's an aging population. The demographics are that 100 of our current inspectors are 56 years or older and 21 of those inspectors are over the age of 65. We are actually expecting people to—and people are expecting to—retire shortly. So we have a workforce issue that we are looking at workforce strategies to manage. But that might explain that figure.

The Hon. PETER PRIMROSE: Let's have a look then also at WHS Metro 2021 results. Some 70 per cent did not say grievance handling is favourable, 70 per cent did not say recruitment processes were favourable, 53 per cent did not agree that their organisation meets the needs of communities, people or businesses of New South Wales, and that was higher than the cluster by 35 per cent. How do you respond to that?

MATTHEW PRESS: I don't know. It predates—

NATASHA MANN: Sorry, which year is this, Mr Primrose?

The Hon. PETER PRIMROSE: It is 2021.

NATASHA MANN: Sorry, are we able to have a look at those figures? I don't have them.

The Hon. PETER PRIMROSE: I would hope you would have them.

NATASHA MANN: We are having a look and we might be able to explain.

MATTHEW PRESS: I do know the last reporting period for WHS Metro was 56 per cent engagement overall. There are some good reasons why their engagement might be lower, particularly in the current period, because they are going through a restructure to try to help solve some of these issues with how we manage staff and how we ensure that we've got enough people in these manager roles going forward, particularly with our aging workforce.

The Hon. PETER PRIMROSE: Let's look at one unit in particular, health and safe design. On grievance handling, 59 per cent did not say it's favourable. "I can keep my work stress at an acceptable level," 34 per cent did not say yes—higher than 2020 by 12 per cent and higher than the cluster by 5 per cent. "I have the time to do my job well," 47 per cent did not say yes—higher than 2020 by 22 per cent, higher than the cluster by 18 per cent and higher than the parent by 12 per cent. Now, the key takeaways had very bad stats across the board: grievance handling, unfavourable 70 per cent; action on survey results, unfavourable 77 per cent—organisation does not meet the needs of the community or recruitment decisions. It sounds like a bit of a basket case to me. How do you respond to that? Or aren't you aware of that one, either?

NATASHA MANN: I think "a basket case" is unfair to the people in that unit.

The Hon. PETER PRIMROSE: No, it's not—I'm not talking about the people there. I'm talking about the managers.

MATTHEW PRESS: Well, if we look at health and safety design this year, they've got 73 per cent in employee engagement and, you know, a lot of areas which are in the high sixties and seventies.

NATASHA MANN: They've gone up.

MATTHEW PRESS: You can refer to the previous period. I guess I'm more familiar with the current period and in the current period, things are heading in the right direction. There's definitely room for improvement, 100 per cent, but today we have quite a different landscape to those previous years.

The Hon. PETER PRIMROSE: Good. So you'll table that document you've got there that you're reading from at the moment?

MATTHEW PRESS: Most definitely.

NATASHA MANN: Absolutely.

The Hon. PETER PRIMROSE: Okay. Table that and we'll do some comparisons because that's certainly not what your 2021 New South Wales public sector People Matter Employee Survey has reported, which is the most recent available to us.

NATASHA MANN: I did table to the Committee earlier in the week our 2022 PMES results, and they've just only come through to us, which is why we tabled them, and I thought that would be instructive. But we can absolutely table the lower—by unit rather than as aggregated as Better Regulation.

The Hon. ANTHONY D'ADAM: I might first return to Mr Press and the question that was left, awaiting his response on this issue of notifiable incidents with the request for service for that Lachlan's Line. Is there a reason, Mr Press, why there were no answers in relation to the request for service?

NATASHA MANN: I think, in fairness to Mr Press, he's been answering other questions and perhaps might not have the information, Mr D'Adam.

MATTHEW PRESS: I haven't been able to get the information in the time, Mr D'Adam. I'm sorry.

The Hon. ANTHONY D'ADAM: All right. I might come back to them. Ms McCool, just referring to the answers in the table at answer 10 on the further supplementary question, I wanted to ask about this incident on the 22 January 2019—this is the incident of a bricklayer falling from scaffold. I'm getting a bit of an echo. I'm not sure whether that's also the case in the hearing room?

The CHAIR: No. You're perfect.

The Hon. ANTHONY D'ADAM: Okay.

The Hon. TAYLOR MARTIN: We must have surround sound on.

The Hon. ANTHONY D'ADAM: Ms McCool, the advice is that there was an improvement notice issued and I think section 171—matters to produce documents—also. What documents did you ask for?

MEAGAN McCOOL: I would have to request a file. But in terms—of all notices were complied, so the documents that they were asked to they did provide, but I don't have those documents in front of me.

The Hon. ANTHONY D'ADAM: In terms of those, it used to be quite a few in the list of these section 171 notices being issued. What's the underlying purpose of the request for documentation? What does that do?

MEAGAN McCOOL: We're always looking for safe work methods statements, we're looking for evidence of training, we're looking at evidence of Toolbox Talks—we're looking for anything that relates to the workers, whether they're new, they were trained, they knew how to work, they understood the requirements in terms of the risks. So we're always looking for documents, as I said, to support that all the duties of the PCBU were followed, or not. So we will request anything in relation to beginning to end for that work task.

The Hon. ANTHONY D'ADAM: So you can tick the box off to say that the workers have been trained, the relevant information's been provided and the safe systems are in place?

MEAGAN McCOOL: That's one aspect.

The Hon. ANTHONY D'ADAM: Is that the purpose of it?

MEAGAN McCOOL: That's one aspect. But we also talk to the PCBU and we talk to the workers, so there's a lot more that goes on. But in relation to—we need to see the documentation as well. You'll find that in most matters we are also looking for the documentation to support what they're saying and that workers have signed on—

The Hon. ANTHONY D'ADAM: It seems that there have been a number of safety incidents at this site. There have been incident-specific responses. The regulator was aware that there had been some safety issues on the site, and the fatality still occurred. Surely that indicates that there's something wrong with the compliance approach that's being taken by SafeWork.

MEAGAN McCOOL: As I said, there is no, I guess, line of sight that the incident that occurred on 1 April was foreseeable based on the matters that had been looked at prior to that and the inspections done prior to that request for service. In relation to our understanding of that site, there was no way to foresee that on 1 April that would happen.

The Hon. ANTHONY D'ADAM: Is it the case that you are addressing the symptoms without actually looking at some of the root causes that might lead to a situation where a fatality occurs?

MEAGAN McCOOL: Not necessarily. We also do risk-based investigations. Sometimes where no-one is injured but we are consistently seeing a trend of repeated behaviour, we can also run an investigation without an incident even occurring. If we do see that line-up, which is commonly referred to as the Swiss cheese model, you can see a pattern of behaviours or a pattern of incidents. But in this particular matter at this site, there wasn't a pattern of the same behaviours or the same incidents. As you can see, there was one with a crane, there was one with a bricklayer and there was one with concrete. There wasn't a run of scaffolding incidents to suggest that that was going to happen. Going back to that, we also fast-track investigations where we'll list things in the Local Court as well. We have all those tools available, particularly in risk base. We also investigate things where no-one has been injured as well.

The Hon. ANTHONY D'ADAM: So it's your evidence that in this situation nothing that SafeWork could have done could have prevented that fatality from occurring?

MEAGAN McCOOL: PCBUs are responsible for controlling the site and ensuring that all workers are working safely. Our role is to check that that is actually occurring. The principal duty relies on the principal contractor. The matters leading up and the visits leading up—as I said, it was not foreseeable that that incident would have occurred on 1 April.

The Hon. ANTHONY D'ADAM: I see.

MATTHEW PRESS: Mr D'Adam, I have been able to look into your question for you, if I could interrupt. I know you have been waiting for quite some time. Your question was about the number of requests for service in the year before that incident. The response to that question is provided in the notes. That's not to say that there weren't further requests for service outside of that reporting period but, in that 12-month period, that's the response.

The Hon. ANTHONY D'ADAM: That's it? So every request for service is a category 2?

MATTHEW PRESS: That is my understanding, yes.

The Hon. ANTHONY D'ADAM: Ms McCool, I might come back to you again and draw you to the answers in relation to [inaudible] around the fatality at Aussie Skips. There were a number of requests for service at this site prior to the fatality occurring. You can see that, can't you, in the answer?

MEAGAN McCOOL: Yes. I wasn't involved in that area, but I have been briefed on the matter.

The Hon. ANTHONY D'ADAM: There was a request for service on 4 May and that occasioned a visit on 24 May. That is the date that the fatality actually occurred, isn't it?

MEAGAN McCOOL: Yes. There was an anonymous complaint on 23 April raising concerns about traffic management. The inspector attended the following day on the twenty-fourth and that's when the fatal incident occurred.

The Hon. ANTHONY D'ADAM: Is it the case that the fatality occurred at the time the inspector was there?

MEAGAN McCOOL: That's my understanding.

The Hon. ANTHONY D'ADAM: Even though the regulator was on site, he wasn't able to prevent a fatality from occurring?

MEAGAN McCOOL: That's correct.

The Hon. ANTHONY D'ADAM: What does that say about the effectiveness of SafeWork as a regulator? Even when there's an inspector on site, the safety conditions are so poor that someone is killed.

MEAGAN McCOOL: This matter, as I said, I wasn't involved in it, but on review it does concern me. It's one of the matters, as I said, particularly noting the families involved, that concerns me.

The Hon. ANTHONY D'ADAM: Is it not a similar situation where you've had repeated requests for service, a sort of limited response from SafeWork, and when you finally get out there it's too late?

MATTHEW PRESS: Mr D'Adam, I would like to answer this. I think this is absolutely—these two examples and others are something that we would like Mr McDougall to look at. I think as a regulator, just as you are saying, we definitely have to try to spot the patterns and lift ourselves up. You can see from each of these incidents there have been responses. The responses, on their merits, are proportionate. There is the issuing of notices; those notices are followed through. There are prohibition orders and so forth, but it's what could we do differently to actually get a behavioural change? That's probably the missing piece here that there have been responses, most definitely, and site visits as well, but we haven't secured the behavioural change, and that's what's most important.

The Hon. ANTHONY D'ADAM: Yes, the stuff that changes safety culture. Isn't that the case, Mr Press?

MATTHEW PRESS: Well, not just culture; practice. It's the execution that matters, right? Culture is very important as well, but we want to actually see it applied and implemented daily.

The Hon. ANTHONY D'ADAM: Yes. If it's embedded in the culture then obviously everyone on the site is applying vigilance when it comes to safety, isn't that right?

MATTHEW PRESS: Culture, policies and procedures collectively.

The Hon. ANTHONY D'ADAM: Is it perhaps the case, Mr Press, in both of these situations at Lachlan's Line and this Aussie Skips site that the employer or the PCBU was not concerned enough about the consequences of failures in their safety systems, that they weren't proactive in terms of improving the safety situation in the workplace?

MATTHEW PRESS: I don't have a crystal ball, so I really couldn't hypothesise on what those individuals were thinking. But, like I said, from a regulator perspective, it's about trying to make sure that we don't have repeated interactions, regardless of whether they are for different issues, and we get that culture change and that behavioural change there. I am not sure what the gap was here. Again, that's a perfect example for Mr McDougall to look into to see what we could change in our approach to try to secure a better outcome.

The Hon. ANTHONY D'ADAM: Do you think that the fact that there's a light-touch compliance approach is contributing to this indifference on the part of PCBUs in unsafe workplaces?

MATTHEW PRESS: I don't think there is a light-touch approach to compliance. Again, this is a 2018 incident, so there are completely different people throughout the organisation at the inspector level, manager

level and all the way through. I am still getting a grip about current approaches, but I definitely don't think that there is a light-touch approach today.

The Hon. ANTHONY D'ADAM: There has been an uptick, has there, in terms of penalty notices being issued since 2018?

MATTHEW PRESS: I don't think that's a gauge about our effectiveness, the number of notices being issued. That's always in response to the behaviours we see. But I can definitely see from the number of proactive visits that that's consistently high, and we are getting out there on projects just as much as we were, if not more so.

The Hon. ANTHONY D'ADAM: I might just get to the question of the IDMP. Who sits on the IDMP?

NATASHA MANN: The IDMP has all of our SafeWork director leadership team. So there are seven of them that sit on the IDMP, of which—

The Hon. ANTHONY D'ADAM: [Audio malfunction] Ms Mann?

NATASHA MANN: Sorry, yes, it's Ms Mann. There are seven directors—seven SafeWork directors—who sit on the IDMP currently. The process is that the inspector who has gone and done the investigation will then, with the inspectors, prepare a brief for that, and that brief will be put to the IDMP in terms of whether or not the matter should go to prosecution. A decision is made, and it's a majority decision. My understanding is that there are often different views around the table, there's robust discussion. So, in terms of the regulatory process, it's a very important assurance and government process.

The Hon. ANTHONY D'ADAM: In terms of the directors, the only qualification is that they're in the leadership of the organisation?

NATASHA MANN: We have two of the directors sitting with us today. One is Ms McCool and one is Mr Kelly, who are eminently qualified. I don't know whether you want to talk about your qualifications at the hearing. But they are qualified, experienced directors.

The Hon. ANTHONY D'ADAM: Are all of them qualified?

NATASHA MANN: It depends on what you refer to as "qualified". But I have full confidence in all of them. Many of them have been in the organisation for a very long time.

The Hon. ANTHONY D'ADAM: So it's a role that's conferred by virtue of them holding the director position. There's no specific requirement or specific qualifications to sit on this panel?

NATASHA MANN: I suppose the concept of it is that, rather than the person or persons with carriage of the matter determining that it ought to go to prosecution, it goes to a panel of directors across the SafeWork business who bring different lenses and different perspectives. So it's a form of peer review. Mr D'Adam, I should say that a few weeks ago I have asked for a review of the internal decision-making panel. It was established, I think, in 2010. It was independently reviewed in 2014. There have been some changes to it as a result of certain things since that time. But I have asked for another review to be undertaken just to make sure that membership is fit for purpose, Chair is fit for purpose and the process is fit for purpose. But it is an important mechanism, and I wouldn't want to get rid of it altogether. It's a good feature of strong regulatory practice. As I said, I've been a regulator in other environments for many years, and it's a very strong feature of good regulatory practice to have this peer review panel.

The Hon. ANTHONY D'ADAM: Effectively, it's the management of the organisation acting collectively. Is that a fair characterisation?

NATASHA MANN: It is the SafeWork leadership team looking at whether or not a matter ought to proceed to full prosecution, applying transparent and agreed principles based on best practice.

The Hon. ANTHONY D'ADAM: Are you able to provide on notice how many referrals have been considered by the IDMP for each year for the past five years?

MEAGAN McCOOL: I can provide since 1 January 2020. Would you like that now?

The Hon. ANTHONY D'ADAM: Yes, please.

MEAGAN McCOOL: There were 355 matters taken to the panel. Out of that 335, a total of 158 were recommended by the inspectors for full investigation.

NATASHA MANN: Sorry, can I just clarify? When we say "full investigation", that's not an appropriate term; it's the shorthand term. The matter has already been investigated and often a great number of compliance

actions have been taken. This is really about whether or not we proceed to go further with a view to prosecuting. Sorry, Ms McCool.

MEAGAN McCOOL: That's okay. In terms of matters with intent to prosecute, 355 were reviewed. One hundred and fifty-eight were recommended by the inspectors to proceed and 197 were recommended for no further action by the inspectors.

The Hon. ANTHONY D'ADAM: What was the outcome?

MEAGAN McCOOL: Out of the 158 that were recommended to proceed, 26 of those were not supported, with the rest supported. Equally, on the flip side, where the inspectors recommended 197 be closed, they were overturned by the panel, and 19 were reinstated and went further.

The Hon. ANTHONY D'ADAM: That's over one and a bit years. Is that right?

MATTHEW PRESS: Yes, 1 January.

The Hon. ANTHONY D'ADAM: What's the end date for those statistics?

MEAGAN McCOOL: That was this month.

The Hon. ANTHONY D'ADAM: Up to this month?

MEAGAN McCOOL: Yes.

NATASHA MANN: It's nearly three years of data.

The Hon. PETER PRIMROSE: Ms Mann, can you tell me who's conducting the IDMP review that you mentioned?

NATASHA MANN: Yes. I commissioned that review to be done by our policy and legislation team initially. But I have in mind that they will do the prep work and then, obviously, the matter will be considered, and it will be further reviewed by Mr McDougall and the Auditor-General. But I wanted to get started on it now and gather all the information together so that we've kicked off the process.

The Hon. PETER PRIMROSE: That will be specifically included in the terms of reference, you hope?

NATASHA MANN: I don't know whether it will be called out in the terms of reference. It may well be. It's certainly something that I would like both reviewers to look at.

The Hon. PETER PRIMROSE: Who's actually determining the terms of reference for the McDougall review?

NATASHA MANN: Ultimately, it will be something that Mr McDougall and I will look at. We will get ministerial approval and government approval for it, for the terms.

The Hon. PETER PRIMROSE: It'll be a matter for Cabinet?

NATASHA MANN: I'm not sure whether the terms of reference will need to go back to Cabinet, but they will certainly need to get Minister Dominello's approval.

The Hon. PETER PRIMROSE: In addition to yourself, who else is being consulted?

NATASHA MANN: Consulted on?

The Hon. PETER PRIMROSE: In relation to the terms of reference.

NATASHA MANN: They are being developed. Mr McDougall, as you know, conducted the review into SIRA and icare and, during that, heard some matters around SafeWork. So I think he has a fairly clear idea of what needs to be done. But the other person is Margaret Crawford, the Auditor-General, because, as I mentioned earlier, we want to make sure that the two reviews complement one another rather than duplicate.

The Hon. PETER PRIMROSE: I'm just trying to get an idea of who else is having some input into what should be considered in the terms of reference.

NATASHA MANN: The terms of reference will be broad ranging. I'm sure that it can capture a lot of the matters that we've talked about. But, as all terms of reference, they're usually determined—there's not usually a public consultation process on what the terms of reference will be, if that's what you're suggesting. I think we just want to get going. We want to get ahead of it. The Auditor-General report is not kicking off until next year—February, thereabouts. We really want to get Mr McDougall started so that we can make some progress in this year.

The Hon. PETER PRIMROSE: I would guess the other concern, though, is you would actually want it to be comprehensive and right, as well as fast?

NATASHA MANN: Absolutely. The terms of reference will be broad. Just as they were for SIRA and icare, they will be all encompassing, I would suggest.

The Hon. PETER PRIMROSE: Good. You sound as though you got a pretty good idea of what might be in the terms of reference.

NATASHA MANN: Not as yet. We will be doing that next week. But, as you've seen today, I have some matters on my mind, that I absolutely would like him to look into.

The Hon. PETER PRIMROSE: There's no suggestion that there might be an outsider, another group, a lobby group et cetera, having some input into what the terms of reference might be?

NATASHA MANN: Absolutely not. No, absolutely not.

The Hon. PETER PRIMROSE: I just have this image of turkeys not wanting to advocate for Christmas. In terms of someone reviewing your agency, you don't want to open yourselves up to people who have specifically discouraged particular matters being considered?

NATASHA MANN: As the head of SafeWork NSW, I want this review to be as comprehensive as possible. I want there to be forensic review of matters that have been dealt with, that could have been dealt with better, of the culture, of the way that we conduct our proactive and reactive compliance. I want it to be all encompassing. As I've said, I've been here for 11 months now. I want our regulator to be the best, the most trusted and customer-centric regulator that there is. That's my imperative.

The Hon. PETER PRIMROSE: Good. I'm sure we all want the same thing—

NATASHA MANN: Absolutely.

The Hon. PETER PRIMROSE: —which is why we always encourage maximum consultation in relation to matters.

NATASHA MANN: And you will have that through the process. I'm sure Mr McDougall will make sure of that.

The Hon. PETER PRIMROSE: I look forward to seeing the terms of reference.

NATASHA MANN: Yes, absolutely.

The Hon. PETER PRIMROSE: And then seeing you at estimates next year.

NATASHA MANN: I'm looking forward to that too, Mr Primrose.

The Hon. PETER PRIMROSE: How many inspectors are there currently in SafeWork?

NATASHA MANN: There are 370 inspector roles. That number went up. It was previously 331 inspector roles, but there was a \$6.4 million budget investment in the 2021 budget, which gave us 39 new roles. So there are 370 roles in total.

The Hon. PETER PRIMROSE: How many new inspectors were recruited in the past 12 months?

NATASHA MANN: I don't have the recruitment figures on me, but I do have the current numbers, if that would help. Before I move to the numbers, I should say that the 370 now lifts the ratio to one inspector for every 10,000 workers, and that's in line with the UN's ILO benchmark. In terms of the 370 roles, the most current data that I have is that 336 of those are filled and there's a vacancy of 34. That's a vacancy rate of 9 per cent. To give you an indication, by comparison our department—the Department of Customer Service—carries a vacancy rate of 14 per cent. So our vacancy rate is actually 5 per cent below the department that we sit with.

The Hon. PETER PRIMROSE: And all of those new inspectors completed their training in full before they were given their authority to act?

MATTHEW PRESS: No, that's not the case. They don't complete their—we are trying to respond to the challenges we have with recruitment. We invested in a fast-track process recently, in the last 12 months, where we have on-the-job training and authorisations given progressively so that we don't have to wait for the full completion of that 12-month program before we can have people active in the field. They effectively do training on certain competencies and are then authorised to do that work, and they build up their skill set aggressively.

The Hon. PETER PRIMROSE: So they're given their authority before they've completed their training?

MATTHEW PRESS: No. They're given their authorities in line with the training that they've completed. So it's in a piecemeal approach rather than waiting very much until the end.

The Hon. PETER PRIMROSE: So they don't require another inspector, for example, to accompany them?

MATTHEW PRESS: They are mentored through the job. The tasks that they can undertake align with the stage of training that they're up to under that fast-track process.

The Hon. PETER PRIMROSE: Sorry, they've got their authority?

MATTHEW PRESS: They might have partial authority.

The Hon. PETER PRIMROSE: But they still require someone to accompany them when they go out?

MATTHEW PRESS: Correct.

The Hon. PETER PRIMROSE: How does that work?

MATTHEW PRESS: I'm not sure what you mean.

The Hon. PETER PRIMROSE: I'm trying to get an understanding of are people trained and authorised to act or are they still undergoing their training and have to have a chaperone?

MATTHEW PRESS: They're still undergoing their training program. This approach gets that 12 months training down to closer to six to nine. Because they're still going through the program and they're still inexperienced, we have that support and chaperoning, as you say, throughout that process, which is, I think, totally appropriate.

The Hon. PETER PRIMROSE: That's a satisfactory process in your view?

MATTHEW PRESS: I think it's a significant improvement from the previous process, where we effectively had people unable to offer any inspectorate services until they'd finished that 12 months. It's not necessarily the end of the game, but that's a significant improvement on what's happened historically.

The Hon. PETER PRIMROSE: Have you had a recruitment drive in relation to former or retired inspectors?

MATTHEW PRESS: I wouldn't say we've had a recruitment drive, but we have in recent times had some inspectors who have retired and they've been able to come back for a period of time just to help us get through gaps, knowing how challenging it can be to replace them.

The Hon. PETER PRIMROSE: How many?

MATTHEW PRESS: How many have had that return-to-work process?

The Hon. PETER PRIMROSE: Yes. How many have come back and for how long?

MEAGAN McCOOL: I guess there are two things: It's whether they retired and came back or those who left the organisation, went back to industry and then decided to come back to the regulator. I guess there are those two scenarios. I don't have the ones on retirements, but just in my area we've had one returning inspector where they went back to industry for a couple of years, then reapplied and started the process again.

The Hon. PETER PRIMROSE: Could you take the other matter on notice? If you would, thank you.

MEAGAN McCOOL: Yes.

MATTHEW PRESS: I think that approach has been quite good for the organisation, to be honest. It has helped make sure we don't lose all of that capability and experience in giving us more time to, yes, send them off to retirement, which is what they want to do, but get a bit more mentoring experience and capability building back through the chain.

The Hon. PETER PRIMROSE: I would just like to ask two questions, if I can, in relation to matters relating to bullying. How much has SafeWork spent on legal costs for IRC matters including bullying so far in 2022?

NATASHA MANN: We've had three days' notice to come to this hearing and we don't have those details on us about that.

The Hon. PETER PRIMROSE: Please take that on notice. But you would, of course, know for 2021?

NATASHA MANN: As I said, we've had three days and I don't have those details on me.

The Hon. PETER PRIMROSE: Okay, take that on notice. And also for 2020 please.

NATASHA MANN: We will do.

MATTHEW PRESS: We know the number of matters but that has been something less than five, I believe, Ms Mann?

NATASHA MANN: We have provided the matters that have gone to the resources regulator, but we don't have the IRC details yet.

The Hon. PETER PRIMROSE: How much money have you spent on external investigation reports into bullying or workplace culture?

NATASHA MANN: Again, we'd need to take that on notice.

The Hon. PETER PRIMROSE: Okay, please take it on notice.

The CHAIR: I will ask a couple of clarifying questions based on Mr Primrose's. You talked about the roles and you said you had 336 out of 370. Can you just clarify that obviously means you are not at UN standard? It's only when you hit 370 people in the role that you will actually be at that UN standard.

NATASHA MANN: That's a good question of clarification. I'll take that on notice.

The Hon. PETER PRIMROSE: Before I hand over to Mr D'Adam, there are just two other questions re the IDMP. What is the process of overturning decisions?

NATASHA MANN: It's a good question. Up until now, I have had confidence in that process and I haven't had cause to look at overturning a decision of the IDMP. Some things that have come to light through this process have made me—as I said, I've asked for a review of that and one of the points of review will be the overturning process.

The Hon. PETER PRIMROSE: Has there been a process available to date on overturning the decisions?

NATASHA MANN: In my 11 months in the role, I haven't had cause or seen anything to cause me to overturn a decision. Ultimately, I have trusted that process and trusted the rigour of it, so I haven't overturned anything to date.

The Hon. PETER PRIMROSE: So it's a decision for you?

NATASHA MANN: The process currently is that the IDMP is the decision-maker, and once they determine it should go to prosecution it will then go to the prosecution section who will prepare for that. But I suppose—and this is something that I'm wanting to get some advice on—if it did come to it and I saw an IDMP decision, could I as head of SafeWork overturn that? My instinct tells me that I can, but I'm just wanting to get some advice on that.

The Hon. PETER PRIMROSE: Can I just clarify—and I'm not being funny about it—there is actually no written process at the moment that says—

The CHAIR: Mr Press seemed to indicate, when I was questioning him, that you couldn't overturn or you couldn't reopen that case from the IDMP. You said it was a statute that was closed.

MATTHEW PRESS: That specific one with Cooma, it ended up being statute barred from 1 January this year. That's a specific case, but if that case happened to be open now and we had reason to believe that there were errors or omissions or problems then we could go back and interrogate, but that specific one had passed its period.

The Hon. PETER PRIMROSE: So the only process to overturn it at the moment would be, Ms Mann, for you to simply say, "I've overturned it"?

NATASHA MANN: The process is set up so that it's peer review and it's majority vote. As I said, I haven't in my 11 months had cause to intervene in any way, and in fact the matters have gone from that panel to the prosecution unit. I think what I'm saying, Mr Primrose, is I'm looking into that now.

The Hon. PETER PRIMROSE: But there isn't a mechanism written down at the moment?

NATASHA MANN: There may well be, but I'm trying to get some advice on that.

The Hon. PETER PRIMROSE: Can you please take it on notice then?

NATASHA MANN: Yes.

The Hon. PETER PRIMROSE: Again, I'm just trying to understand the process. If there is no mechanism, that's important to know. If there is a mechanism, how does it work and who makes the decision?

NATASHA MANN: It's a very good question, and it's on my mind. We are working on that currently.

The Hon. PETER PRIMROSE: You mentioned peer review. Who is on that?

NATASHA MANN: The IDMP is made up of the seven SafeWork directors, of which Ms McCool and Mr Kelly are two. I am referring to those as peers. The director with carriage of the matter, so the director to whom the inspector reports to, is the one presenting the case. The peer review I am referring to is the review by the other six directors.

The Hon. PETER PRIMROSE: And there have been no decisions overturned in your time?

NATASHA MANN: As Ms McCool said, from time to time the recommendation made is not agreed to by the panel, and they might make a different determination. But has the IDMP's decision been overturned? Not in my 11 months. I haven't had cause to. It's a good, rigorous process. It's good regulatory practice. I have trusted the process. As I said, it's something that I have now opened up to look at a little bit more closely.

The Hon. PETER PRIMROSE: Thank you. I might come back to that.

The Hon. ANTHONY D'ADAM: Picking up on that, can I clarify the I in IDMP? Is that independent or internal?

MEAGAN McCOOL: It's internal. It's made up of the SafeWork directors. To add to the conversation, where it's a tied vote, it goes to the executive director, which is Matt. If it's a fatality matter that we decide not to pursue, that has to go to the executive director of the investigations area.

NATASHA MANN: I think you're asking about the acronym, are you, Mr D'Adam? Whether the I stands for—

The Hon. ANTHONY D'ADAM: Yes, I was wondering whether the I stands for independent or whether—

MATTHEW PRESS: It stands for investigation.

NATASHA MANN: It actually stands for investigation. That's one of the things—

The Hon. ANTHONY D'ADAM: So neither independent nor internal.

NATASHA MANN: Yes, that's right. I thought it was independent, but it's actually investigative. That's one of the issues that I think confuses people. They think that it hasn't gone to investigation until it goes to that panel. Actually, in many cases, the inspector has done a very thorough investigation and there have been multiple notices and compliance action taken before it gets to that panel. That panel is about determining whether it then goes to prosecution. I read out those factors that it considers. Some of it is reasonable prospects of success. We can't prosecute, nor should we prosecute, every single matter. That panel is about determining which ones go to prosecution.

The Hon. ANTHONY D'ADAM: Does it have written terms of reference?

NATASHA MANN: It does. We've got some terms of reference, and we've got the documents that they—

The Hon. ANTHONY D'ADAM: Could you provide those to the Committee?

NATASHA MANN: Absolutely.

The Hon. ANTHONY D'ADAM: How frequently does it meet?

NATASHA MANN: Fortnightly.

MATTHEW PRESS: Fortnightly.

The Hon. ANTHONY D'ADAM: I'm assuming there's minutes kept of the meetings?

MEAGAN McCOOL: That's correct.

The Hon. ANTHONY D'ADAM: And it has a Chair?

MEAGAN McCOOL: Yes. At the moment it's the regional construction director, which rotates.

The Hon. ANTHONY D'ADAM: Is that you at the moment, Ms McCool?

MEAGAN McCOOL: No. I am the construction of metro director. It's my equivalent in the regions.

The Hon. ANTHONY D'ADAM: But the Chair rotates between the directors. Is that the—

MEAGAN McCOOL: That's correct.

The Hon. ANTHONY D'ADAM: Can I ask if, on notice, you can provide—I think Mr Press indicated that some decisions are split decisions. Is it possible, for the 355, to indicate the voting on each of those decisions? How many were unanimous? How many were split decisions?

MATTHEW PRESS: I don't believe that is kept.

JIM KELLY: To clarify, the Chair has the final say. There are six in attendance. If three votes each, the Chair would have the deciding decision for the IDMP. I'm not aware of any matters that have been challenged by the IDMP. If they were challenged then the executive director for the investigations team would have a role to play. However, in my experience as a panel member with the IDMP, I'm not aware of any decisions that have been challenged.

The Hon. ANTHONY D'ADAM: What's the time frame for a matter to be brought before the IDMP?

JIM KELLY: We aim for 30 days. However, that's essentially an aim. I know, in my space, psychological matters take a lot longer to determine a recommendation for the IDMP panel. However, our general target is 30 days.

The Hon. ANTHONY D'ADAM: So it's a benchmark; it's not a requirement.

JIM KELLY: Correct, and the reason for that is to allow sufficient time for the investigation process, using the statute of limitations of two years. We want to allow sufficient time for the full length of investigation to proceed and to seek legal advice before laying charges and proceeding to prosecution.

The Hon. ANTHONY D'ADAM: Ms McCool, I want to come back to the further answers to supplementary questions, particularly the answers rendered in relation to Ability Barge Services. I note that there's a table in the answer in terms of requests for service notifications, and it has four particular incidents. The first one is a situation where an individual was killed as a result of a failure in relation to the operation of a crane. Someone was crushed to death. There was a notification on 6 December that cranes were being operated by crane drivers who weren't certified. Did that trigger an on-site visit?

MEAGAN McCOOL: Again, I didn't investigate this matter. But looking back on 6 December, which was the first RFS, there was a notification raised, and then the workplace incident occurred on 27 January. Sorry, I'm just going over the time line.

MATTHEW PRESS: The information we have, Mr D'Adam, is that, yes, there was that request for service on 6 December. That actually came via the Speak Up app and included the allegations listed there. It was triaged as a category 3, which means an inspector response but within 10 days. Then it was allocated to a SafeWork inspector, but the inspector response was delayed. It appears the response was delayed because of both COVID compliance and leave over that period, and so it was reallocated from one inspector to another inspector. That second inspector attended on 8 January, when the site—

The Hon. ANTHONY D'ADAM: What was the outcome of that inspection on 8 January?

MATTHEW PRESS: The site was closed on that day, according to the inspector notes from—

The Hon. ANTHONY D'ADAM: That's not listed in the answer. It states at (b):

Workplace Incident: onsite visits on 27 January 2021, 28 January 2021, 3 February 2021 ...

Did you say someone visited on 8 January?

NATASHA MANN: Yes, that's information, Mr D'Adam, that because we've done a further interrogation of the file we've uncovered. We can provide that information to you. Yes, there was a visit on 8 January.

The Hon. ANTHONY D'ADAM: What was the regulatory action by the inspector who went out?

MATTHEW PRESS: The site was closed on that day, and so they were shut down. The notes of the inspector were they were going to come back before or on the date that they restarted work later in January.

The Hon. ANTHONY D'ADAM: It seems that there was a request for service, it wasn't responded to in a timely way and then someone died as a result of an issue that SafeWork was alerted to. Is that a fair assessment of what's happened?

NATASHA MANN: This is one of the matters that is of real concern to me. What I see here is our standards and processes not being followed by the inspectors. So, yes, the request for service on 6 December—it was triaged appropriately. It came in on the Speak Up app at 6.30 p.m. It was triaged appropriately on 7 December at 8.19 a.m. It was triaged for inspector response. But there was then that failure, as I said. The category three requires that response within 10 days and that inspector didn't go out there within the time frames. It was then reallocated to a different inspector and that inspector attended the site when it was shut. For me, this is one that I really want to look into further because a lot of our processes don't appear to have been followed in this matter by the inspectors.

The Hon. ANTHONY D'ADAM: It had catastrophic consequences, didn't it?

NATASHA MANN: There was a fatality—yes, that's correct—on 27 January, which is obviously tragic.

MATTHEW PRESS: I think, Mr D'Adam, some of your questions earlier though—the change in approach that we've got to secure is that it can't be just because of SafeWork's presence on a site that we have behavioural change. We've got to get that behavioural change deeper. We're never going to be on every construction site or at every business day in, day out. We're always going to have constrained resources and we'll have to pick and choose where we attend. We've got to make sure that, regardless of whether we're there or not, that safety culture and the processes that you were talking about are ingrained. That's our challenge.

The Hon. ANTHONY D'ADAM: Doesn't that mean that PCBUs have to believe that, if they break the work health and safety laws, it will occasion serious consequences for them? Isn't that the object—

MATTHEW PRESS: That's part of it. They also have to be thinking about—this is investing in the staff and the safety of their staff. They need to be thinking that these are husbands and wives and family members and they absolutely should be making sure that they go home safely each and every day. The prosecution part is too late. Back to your point about prevention, this needs to be invested in the second you open up the gate.

The Hon. ANTHONY D'ADAM: It's about deterrence, not prosecution—deterrence, Mr Press. They have to be deterred, do they not?

MATTHEW PRESS: It's about all parts, Mr D'Adam. I don't think you can say it's just about one part or another. All of the different parts have got to come together.

The Hon. ANTHONY D'ADAM: On 14 February at Ability Barge Services there was a further request for service indicating that, again, crane operators were operating without licences. This was after the fatality, after SafeWork have been on site, two days in a row. How is that possible?

MATTHEW PRESS: Mr D'Adam, I can't explain what has happened. All we can say, like Ms Mann has said, is that we want Mr McDougall to look into this to see what changes we can make as an organisation to improve and to reduce the chance of these things happening in the future.

MEAGAN McCOOL: However, can I add that this matter is under full investigation, meaning with intent to prosecute? It's fairly advanced and all the history is included within that investigation.

NATASHA MANN: I should say, Mr D'Adam, this morning we've explored a number of matters which I would agree have often not been dealt with in accordance with our processes and procedures and definitely we could've done better. I would say, though, that we've delved into a few matters like that but there are also thousands upon thousands of matters that are not like this and that are dealt with in an extremely professional way by an extremely committed workforce who are genuinely doing their best to bring workers home safely and to change culture and to do all of those things that everyone around the table wants to see. I just do want to acknowledge that these are case studies which—absolutely on any view we can do better and we want to do better, but I just didn't want to take away from the important and good work that the team's doing that hasn't been raised this morning. It's a hard job. It's not an easy job.

The Hon. ANTHONY D'ADAM: Ms Mann, at previous estimates we've asked about whether SafeWork has adequate resources and the answers returned from the leadership of the department have been, "Yes, we've got enough resources to do the job." I look at the statistics that are returned in the answers to supplementary questions around requests for services and then those that occasion inspections. The numbers aren't particularly good. We've got 2021-22, 31,084 notifiable incidents with only 1,959 inspections. That doesn't suggest that you've got enough resources to actually meet the challenge that you face. Do you agree, Ms Mann?

NATASHA MANN: Mr D'Adam, I would never say no to more resources and funding for more inspectors. I would never say no to that. But, as Mr Press mentioned, we are never going to be able to get out to every single work site. You know, there are four million or so workers around New South Wales. We can't possibly have full coverage all of the time, every time. So, I think, as we've discussed this morning, it is not just about

onsite visits, although that is an important part, but it is about really changing that safety culture and really making sure they understand that this is important, and this is often a matter of life and death and they need to do better. Resources, you know, just having an extra 10 inspectors isn't going to solve the problems. And, you know, we're using robust processes and procedures. We have the triaging policy which is best practice and is used around the country. So we are following for the most part those procedures. So it's not just a matter of resources; it's about those other things too.

The Hon. ANTHONY D'ADAM: Can I ask about that? The decision to dispatch an inspector to a site in response to a request for service, is that just made by algorithm?

NATASHA MANN: No, it's not. It's not made by an algorithm. I don't know whether you wanted to talk to—

MEAGAN McCOOL: Inspectors triage the matters as they come in. As you said, we get around 20,000 a year. That's made up of incidents and request for services. There are six categories, which is a national framework in how we triage. We get that information by people either calling up or via the Speak Up app. They're triaged from one to six, being category one is within 24 hours and involves an inspector visit, category 2 within 72 hours and involves an inspector visit. When you get to category 3, that is 10 days, but can either be a visit, desktop, over the phone, depending on the situation. It could just be that they're requiring information. Category 4 is where we start getting into the administrative responses. Category 5 is where there's insufficient information and category 6 is where it's not under statute. That is exactly the same across the country and, in terms of that, guides the work. Sometimes, though, the way that the person has notified and it's categorised, sometimes we can scale that up or scale that down, depending on what information was provided.

The Hon. PETER PRIMROSE: May I in the last few seconds, Mr D'Adam, ask one quick question? Please take it on notice. In terms of the IDMP overturning decisions, can you please tell us on notice how many of those decisions were overturned in 2021 and 2022 to date? How many of those involved deaths or serious injury?

NATASHA MANN: I think Ms McCool has given you the data already, in terms of the numbers overturned but not supported for original decision. I think we can delve into what they related to. Absolutely.

JIM KELLY: Mr Primrose, I can add in relation to the fatalities that if the IDMP opposes an inspector's decision or recommendation for a fatality matter, it does go to the deputy secretary for the IDMP. I'm not aware of any in recent times, but that is the process.

The Hon. PETER PRIMROSE: Thank you.

The CHAIR: Before I hand to the Government members for their question, I have one clarifying question on the IDMP. You said that there is a Chair and it rotates. If the Chair has a case coming before the panel, do they then have to step down so they're not put in a position where they have to make the lineball call?

JIM KELLY: Correct.

MEAGAN McCOOL: They present their own case, but they're not permitted to vote and someone takes the chair just for that matter.

JIM KELLY: Correct.

The Hon. TAYLOR MARTIN: I don't have any specific questions, but if there is anything that was raised this morning that you'd like to revisit or clean up, please take the opportunity. Ms Mann?

NATASHA MANN: As I said, I've been here for 11 months now. On the whole, people are doing a wonderful job and we should be really proud of our inspectors and our SafeWork team. They're doing a fantastic job. Is there room for improvement? Absolutely. That's obviously why we have Mr McDougall and the Auditor-General carrying out those reviews. I thank the Committee for its time this morning, and I thank the SafeWork inspectors and the rest of the team. I know sometimes they take these things quite hard because they are doing their best. I just want to call out and say that I know that, and we all know that. We're just going to try and be a bit better. Thanks.

The CHAIR: That concludes our supplementary hearing this morning. You did elect to take a few questions on notice. The secretariat will be in touch and you will have 21 days to get back to us. Once again, thank you for again coming in, and I appreciate that it was at short notice as well. Thank you for your time.

(The witnesses withdrew.)

The Committee proceeded to deliberate.