

**Senate Standing Committee on Economics**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Industry, Innovation, Science, Research and Tertiary Education Portfolio  
Additional Estimates Hearing 2011-12  
15 February 2012

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**AGENCY/DEPARTMENT:** AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION (ANSTO)

**TOPIC:** Comcare Review

**REFERENCE:** Question on Notice (Hansard, 15 February 2012, page 29)

**QUESTION No.:** AI-20

**Senator CAMERON:** Dr Paterson, the Comcare review panel findings said that you still need to address your duty of care. What is your view on that, and what have you done about that?

**Dr Paterson:** Can I ask for clarification of which Comcare review panel you mean?

**Senator CAMERON:** This was a clarification of review panel findings listed on the Comcare website. Have you seen the Comcare website?

**Dr Paterson:** We will clarify the source and take it on notice and provide a full reply.

**Senator CAMERON:** Do you accept there was a concern by the review about how you operated your duty of care?

**Dr Paterson:** I would say that, from the documents that I have read, which may not include the document that is on their website—it is the reports of the investigations and the reviews—and in the discussions we have had with Comcare, the operation of our duty of care to our employees has not been a substantial or significant matter. But I will review it and provide an answer on notice.

**Senator CAMERON:** I am looking at a media release which was put out by Comcare on 21 July 2011. I am really surprised you have not seen that.

**Dr Paterson:** I did see that news release, and I had subsequent discussions with Comcare about that, and I understood that that matter was closed between us and Comcare.

**Senator CAMERON:** It might be, but I am raising the issue. I am raising the issue that one of the conclusions were that you had to improve your duty of care.

**Dr Paterson:** I will take it on notice.

## **ANSWER**

The Comcare Review Panel report related to an event which occurred in March 2008. Since that time, a number of significant changes have been made to ANSTO's safety management practices. Those changes were described at some length in the Review of the Current Health and Safety Arrangements at ANSTO Health commissioned by then Minister for Innovation, Industry, Science and Research the report of which was tabled at Estimates on 30 May 2011. The then Secretary of the Department of Innovation, Industry, Science and Research summarised the conclusions of that report as follows:

In undertaking the review we considered a whole range of documentation. We undertook site visits, we examined ARPANSA, ANSTO and ANSTO Health, and many of the staff at all levels at ANSTO and ANSTO Health. It was our view that there was a considerable focus on improving the current culture of health and safety at ANSTO. It

was apparent that the management of ANSTO and ANSTO Health have instituted an active and continuous improvement program to build all aspects of ANSTO Health, including health and safety. In reviewing the practices we found that there are systems in place to manage radiological safety. Further, we did not find any evidence that the practices of ANSTO Health breached legislative requirements under the Australian Nuclear Science and Technology Organisation Act, the Australian Radiation Protection and Nuclear Safety Act or the Occupational Health and Safety Act.

There has been a process of change at ANSTO for a couple of years. We have made a number of recommendations which I can go to a little later. But I think that it is worth emphasising the point that in relation to both a culture of safety and the approach that has been undertaken, particularly the approach that has been undertaken over the time that Dr Paterson has been the chief executive, there is a clear focus of attention on health and safety issues. The panel was satisfied that there is no gap in the culture of health and safety at ANSTO and that they are meeting their statutory obligations. In the majority of cases, they are meeting the even more stringent standards that ANSTO imposes upon itself—that is, standards over and above those required by the regulators.

ANSTO has maintained an open and transparent dialogue with Comcare with respect to regulatory compliance and continuous improvement of safety performance, in line with ANSTO's key strategic objectives. ANSTO welcomes Comcare's transition from the use of Investigators to Inspectors, and shares Comcare's view that this new model allows for greater interaction and engagement between the two organisations, while maintaining the regulatory rigour and oversight which Comcare requires to discharge its duties.

ANSTO has engaged with Comcare's workplace relations team as part of Comcare's Co-operative Compliance model. ANSTO has also approached Comcare with respect to establishing a forum for discussing and sharing of best practice in managing the safety of all workers, as defined in the recently introduced Work Health and Safety legislation. There has been no indication from Comcare in recent times that they hold any concerns regarding the way in which ANSTO currently addresses its duty of care.