

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

2003-2004 BUDGET ESTIMATES HEARINGS – 2-3 JUNE 2003

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

COMCARE

QUESTIONS ON NOTICE

Outcome: Comcare

Question Number: W065-04

Question:

Senator Carr asked in writing:

Has Comcare sought to conduct an inquiry into the technical shortcomings, as distinct from the procedural matters identified by the Ombudsman, of observations made by Mr Maguire and Mr Creaser in their investigation reports into OHS compliance at the NGA in 2000? The matters might include failure to identify breach of Confined Spaces regulations, erroneous labelling of photographs in Mr Maguire's final report #1913, failure to identify biological hazards, failure to identify risks associated with corroded and waterlogged plant and failure to identify electrical hazards. If so, what is the result of any such inquiry?

Answer:

It is unclear what is meant by "technical shortcomings" in this investigation. The Ombudsman stated in paragraph 4.31 of his Report dated June 2001 that "my investigation is not concerned with the correctness of judgements in relation to OHS matters (in investigation #1913), but rather the reasonableness of the process by which those judgements were reached".

In response to deficiencies in the processes in investigation #1913 identified by the Ombudsman, Comcare conducted further investigations, one into corroded and water logged plant and associated electrical hazards at the NGA and one of an alleged contravention of s76 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*. Copies of these investigation reports are provided at W049 -04.

The investigation conducted by Mr Robert Wray and concluded in May 2003 (report tabled on 3 June 2003) addressed, amongst other things, issues where Mr Wray considered that previous investigations had erred.