



ATTORNEY GENERAL; MINISTER FOR COMMERCE

Our Ref: 44-24444

Mr Mark Warner
Committee Clerk
Estimates and Financial Operations Committee
Legislative Council
Parliament House
PERTH WA 6000

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Dear Mr Warner

2015-16 ANNUAL REPORT HEARINGS

Thank you for your letter dated 1 November 2016 regarding the Department of Commerce appearance at the Estimates and Financial Operations Committee 2015-16 Annual Report hearings on Thursday, 27 October 2016.

Please find enclosed a copy of the answers to the questions taken on notice during the 2015-16 Annual Report hearing and the additional questions raised by Committee members following the hearing.

Yours sincerely

Hon. Michael Mischin MLC

ATTORNEY GENERAL; MINISTER FOR COMMERCE

14 NOV 2016

Attach: 2015-16 Annual Report hearings – Questions taken on notice and additional questions.

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE

2015/16 ANNUAL REPORT HEARINGS ANSWERS TO QUESTIONS ON NOTICE

Department of Commerce and Building Commission

Hon Kate Doust MLC asked:

A1) Given that the Building Commission was aware of concerns regarding the conduct of Mr Jeffrey West, who is a registered builder trading as Kameleon Homes in 2013, why has it taken nearly three years for the commission to take action against him?

Answer: A disciplinary complaint against Jeff West trading as Kameleon Homes was lodged with the Building Commission on 3 September 2012 alleging breaches of the *Home Building Contracts Act* 1991. The Building Commission assessed the complaint as minor and issued an educational letter on 4 September 2012.

A second disciplinary complaint was lodged on 23 October 2013 alleging contractual breaches. The Building Commission investigated the complaint, which related to a minor contractual dispute, and dismissed the complaint on 24 January 2014.

A third disciplinary complaint was lodged on 30 October 2015 alleging failure to comply with a SAT order to pay \$50,000. The Building Commission commenced investigating this complaint on 21 November 2015. Following these investigations, on 16 August 2016, the Building Services Board refused to renew Mr West's registration as a building practitioner and accepted Mr West's request to cancel his building contractor registration.

Hon Sally Talbot MLC asked:

A2) How many inspections are initiated by complaints, and how many are routine inspections?

Answer: The case management system that WorkSafe uses to record inspection and investigation information (WISE) was not designed as a performance reporting tool and as such has limitations in this regard. The figures presented are WorkSafe's very best estimate based upon extracted data, without manually verifying all 20,189 inspections recorded.

Of the 20,189 inspections reported for the 2015-16 financial year 6,000 were related to a complaint. This represents 29.72% of the total.

a) What are the priority areas for inspections?

Answer: WorkSafe has identified priority areas (areas of focus) that are targeted through inspection programs. These priority areas have been identified based on data derived from workers' compensation claims lodged in Western Australia as well as WorkSafe's own inspection findings. These priority areas have been shown to result in high rates of injury or a higher than average number of deaths. They are:

- Falls from a height
- Electricity
- Slips and trips
- Body stressing (or manual tasks)
- Mobile plant
- Machine guarding
- Hazardous substances
- Fatigue management

WorkSafe has identified the priority industries (in relation to the above) as:

- Agriculture, forestry and fishing
- Construction
- Manufacturing
- Transport, postal and warehousing

WorkSafe is also a participant in the national *Australian Work Health and Safety Strategy 2012-2022*, which has identified the following priority disorders and industries:

Priority disorders

- Musculoskeletal disorders
- Mental disorders
- Cancers (incl. skin cancer)
- Asthma
- Contact dermatitis
- Noise-induced hearing loss

Priority industries

- Agriculture
- Road transport

- Manufacturing
- Construction
- Accommodation and food services
- Public administration and safety
- Health care and social assistance

A3) Of the work undertaken by WorkSafe, what is the breakdown of resources allocated to tasks across all operational areas?

Answer:

Operational Areas	Sum of 2015-16 Budget (%)	Sum of 2015-16 Budget (\$)
Inspectorate Operations	54%	10,595,860
Legal	6%	1,105,560
Divisional Overheads (e.g. accom., utilities)	9%	1,855,836
Executive	8%	1,559,596
Policy, Education and Information	12%	2,286,885
Business Services Centre	12%	2,279,471
Total	100%	19,683,208

Operational Areas	FTE (%)	Sum of FTE
Inspectorate Operations	64%	82.2
Legal	5%	5.8
Executive	2%	2.6
Policy, Education and Information	11%	14.8
Business Services Centre	18%	23.9
Total	100%	129.3

The WorkSafe operational areas do not operate independently from each other. Rather, each operational area is interdependent, in functioning as a whole.

A4) Education Activities

- a) Of the education programs that WorkSafe has delivered, how many are delivered by inspectors and how many are delivered by third parties/contractors?

Answer: There were a total of 219 education presentations delivered by WorkSafe in the 2015/16 reporting period.

Of the 219 presentations:

- 11 were delivered by industry experts (external presenters) as part of Safe Work October month (2015);
- 83 were delivered by Inspectors; and
- 125 were delivered by Community Education Officers.

- b) Is education delivered by inspectors as part of an inspection?

Answer: Yes. During the course of an inspection, the inspector educates the employer on his/her duties under the *Occupational, Safety and Health Act 1984* and its regulations.

A5) How does WorkSafe deliver specific programs or campaigns, in relation to mental illness at the workplace?

Answer: WorkSafe delivers specific programs that look at the prevention of mental illness in the workplace. Other agencies, such as the Mental Health Commission and Public Sector Commission, have a wider scope and focus on supporting employees with existing mental health issues.

WorkSafe is involved in several national and local mental health joint programs and networks coordinated by Safe Work Australia, Heads of Workplace Safety Authorities (HWSA), the Department of Health, and more recently Department of Mines and Petroleum. WorkSafe coordinated regular inter-agency meetings over a 3 year period that focused on inappropriate and unfair workplace behaviour (eg. bullying) between the Western Australian Industrial Relations Commission, Fair Work Commission (Commonwealth), Department of Commerce Labour Relations Division, Equal Opportunity Commission, WorkCover and the Public Sector Commission.

WorkSafe delivers mental health prevention programs and campaigns through educational workshops/publications, inspections/enforcement, and partnership/engagement.

The focus of the project/campaign depends on several information sources that WorkSafe collates and analyses. These information sources include:

- workers' compensation statistics (total numbers and incidence rates);
- reported injuries/illness to WorkSafe, enquiries received from the public and complainants (i.e. thematic analysis of bullying related complaints);
- peak body and industry reports; and
- published academic papers.

WorkSafe has conducted numerous projects/campaigns that target high risk worker cohorts, industries and mechanisms. For the 2015-16 financial year, mental health related projects included:

- **Work-related Stress Injuries** - A high proportion of reported stress injuries to WorkSafe were analysed for trends, particularly work-related risk factors. A proportion of these were investigated to explore the procedures and processes adopted to investigate, and to identify risk factors associated with work-related stress.
- **Apprentices exposed to hazardous workplace behaviour** - This project focused on improving the awareness of peak bodies that have an influence on companies and organisations that employ apprentices. It focused on the prevention of hazardous workplace behaviour and the promotion of healthy workplace culture and leadership styles through sound management systems.
- **Hazardous workplace behaviour enquiry proactive visits** - A sample of workplaces that were indicated to have some workplace behavioural issues flagged through public enquiries and complaints were visited to explore the systems the organisation had in place to prevent hazardous workplace behaviour issues.

The following educational tools have also been developed to improve the capacity of the community to prevent workplace mental health issues:

- employer workshops on creating mentally healthy workplaces; and
- a “toolbox” of survey tools that can be used by workplaces to improve their management of stress-related risks

A6) Are there mental health specialists working in WorkSafe?

Answer: There are two WorkSafe inspectors that can be described as specialists in dealing with workplace mental health issues. One is a registered/practicing Psychologist and the other is a qualified Psychologist.

Hon Alanna Clohesy MLC asked:

A7) How many builders are currently on the list of builders at risk of insolvency?

Answer: As of 4 November 2016 the Building Commission is monitoring 13 builders.