



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: [Review of Auditor-General's Report No 1 of 2017: WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses](#))

Members:

**MRS V DUNNE (Chair)
MR M PETERSSON (Deputy Chair)
MS B CODY
MR A COE**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 6 DECEMBER 2017

**Secretary to the committee:
Dr B Lloyd (Ph: 620 50137)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

BROWN, MR JONATHAN, Senior Manager, Performance Audits, ACT Audit Office **1**

COOPER, DR MAXINE, ACT Auditor-General, ACT Audit Office **1**

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Amended 20 May 2013

The committee met at 9.34 am.

COOPER, DR MAXINE, ACT Auditor-General, ACT Audit Office

BROWN, MR JONATHAN, Senior Manager, Performance Audits, ACT Audit Office

THE ACTING CHAIR (Mr Pettersson): Good morning, everybody. Welcome to this public hearing into WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses. Auditor-General, thank you for being here. I direct your attention to the pink privilege sheet and ask that you acknowledge it before you speak for the first time. Would you like to make a short opening statement?

Dr Cooper: I acknowledge the privilege statement.

Mr Brown: I acknowledge the privilege statement.

Dr Cooper: Yes, I would like to make an opening remark, thank you. The WorkSafe ACT audit is the second performance audit related to the government's Mr Fluffy buyback scheme. The first audit was tabled in May 2016, and that focused on the management of the financial arrangements for that scheme. The first audit focused on the role of the government's asbestos response task force. In this second audit we have turned our attention to the role of WorkSafe ACT, the regulator.

The regulator is the auditee and not the regulated. That is principally procurement and capital works and their contractors and, indirectly, the asbestos response task force. In other words, they are not invisible in the audit but they are not the focus. Given that all three functions and business units are within the one directorate—the Chief Minister, Treasury and Economic Development Directorate—it was particularly important for us to define the scope carefully and then to stick to it.

Importantly, this audit was designed as what we would call a hot audit, and in that respect it is a unique audit for our office. It was undertaken when a significant number of demolitions had occurred—around the halfway mark—but before they were all completed. So the audit, from our perspective, was time critical if it was going to be effective. The results needed to assist WorkSafe in undertaking its regulatory activities for the remaining demolitions.

During the course of the audit we were aware that the pace of demolition via the task force's published demolition schedule was increasing. By the time the audit was tabled, just over half—a few more than 515 of the 1,023 affected houses—had been demolished.

To some extent, the audit aimed to be a compliance audit of the compliance activities of the then recently formed asbestos team within WorkSafe ACT. For this we sought the subject matter expertise of an industry practitioner, and we were extremely fortunate to secure Mr Neil Quarmby, author of *Managing Intelligence*. He is a former head of the regulatory operations of Comcare and has had experience of regulation relating to working with asbestos in Telstra pits.

It became clear quite early on in the fieldwork for this audit that a regulatory strategy and program specific to the activities of the asbestos team had not been developed, documented or formally adopted. This is not to say that the asbestos team was not fully occupied, but the framework in which it worked was not specifically articulated. This is a challenge considering the objective of the audit.

In comparison to the wider pool of workplace health and safety inspectors in WorkSafe ACT, the asbestos team inspectors have proportionally undertaken far more workplace visits than their non-asbestos team colleagues; in fact, twice as many. However, in the absence of a strategy and program, understanding what was required of the asbestos team and how the team complied with the requirements was an audit challenge.

At the simplest level of analysis, WorkSafe ACT fulfilled the ACT Work Safety Commissioner's commitment to the community and to the Minister for Workplace Safety and Industrial Relations that an inspector would be on site for every demolition. The audit explored other aspects of the quantity and quality of inspection activity and how this was managed.

Unfortunately, we could not make a call on our audit objective, which was around the effectiveness of their regulatory activities. But, importantly, it being a hot audit, we did make eight recommendations, and I focus the committee's attention on the first six in particular, which were designed very much with an operational perspective to help WorkSafe ACT in the second half of their big demolition phase.

So the critical issue which we as auditors are not able to answer is: how well have they implemented those recommendations, which were all agreed to? Potentially, in order to answer the effectiveness question, it would be appropriate for an audit to be undertaken—and I would advocate not by my office because of the work program we have but possibly by the agency's own audit and review committee—to be able to answer that important question of how effective it was.

THE ACTING CHAIR: I have a question about paragraph 2.10 and the how-to guide developed for the industry in 2014. You are a bit vague about its purpose. Can you expand on that?

Dr Cooper: Mr Brown will.

Mr Brown: We are a bit vague in that we reflect the vagueness of the documentation as to the purpose of the how-to guide. The documentation indicated that the purpose would be to satisfy the needs of the regulator but also, at another stage in the documentation, to satisfy the needs of the asbestos response task force, particularly around its preparatory work ahead of the demolitions pilot. So in essence it was not clear at the end of the process what that document was for. By February 2015 the document appeared to have stopped being progressed, although there are a couple of references later in 2015 to it being concluded. So in essence it was never finalised.

THE ACTING CHAIR: One of the other parts I find interesting is that it was shared with industry stakeholders. It is my understanding at that time there were not many asbestos removal companies either in action or in existence in Canberra. Who would

be looking at this document?

Dr Cooper: We would actually have to ask the agency to go back to their records to see that. But I agree with your statement—it would be limited in terms of who was likely to have received it.

Mr Brown: I could focus you in on a time frame. Between December 2014 and February 2015 there were some industry stakeholder workshops, and the draft how-to guide was either first and foremost the purpose of those workshops or one of the things that was being progressed through the input from those workshops.

MS CODY: Do you have any idea of how many people attended those workshops?

Mr Brown: From recollection, it was more than five but fewer than 50, but I could not give you a precise number.

MR COE: Will you please talk through the relationship that WorkSafe had with the task force? Obviously there are some potentially conflicting objectives, primarily in terms of time. How harmonious was that relationship and was it constructive?

Dr Cooper: I do not think we can answer that; we actually did not audit the relationship. We raise issues around funding, in one place, which is the only place I recall in the report of the interface. However, for asbestos as a whole, within the ACT for ACT government-owned properties there is a relationship in terms of risks between the asbestos response task force, procurement and capital works, Access Canberra, WorkSafe ACT and the asbestos team. It took a while to understand what the roles were in some of those, although we did not document it in here because our audit was totally on WorkSafe. So in terms of harmony or giving any comment like that, we could not answer that. Jonathan, would you like to add anything on the specifics?

Mr Brown: I would agree that the area of the report that relates to the relationship most closely is to do with funding in chapter 2—that is, the relationship of the asbestos response task force in having a hand in the approval and provision of funding to the regulator. So the regulated had a hand in the approval process for the funding to the regulator. That is one area where we illuminate something of the relationship between the two.

The other is the area you already mentioned, which is to do with the policy formulation early on—the how-to guide and the fact that early on the regulator was attempting to work out what its remit was and how it was different from what the asbestos response task force would be doing.

Bear in mind that when the how-to guide was being prepared, in around September 2014 to February 2015, the scheme was announced in October 2014 and the asbestos response task force was not aware at that stage of the scale of the response that it would get from Mr Fluffy owners. So it was not aware and the regulator was not aware at that early stage as to whether it would be predominantly a government demolition scheme or a private sector demolition scheme. Therefore, in working out the extent of regulation and who was being regulated, early on there had been a big

question mark: are we regulating primarily private sector or public sector demolition activity?

Dr Cooper: If I could go a little bit further, there would even be questions about what type of regulation in terms of where your focus would be—would it be on site by site, would it be on demolition by demolition, would it be on the contractors and how would you structure your whole program?

Mr Brown: Adding to that, bear in mind that at that stage there had been no pilots; there had been no arrangement yet for how the activity would be contracted to the private sector. So are we talking about wholesale bringing in contractors from outside the territory or are we talking about growing capacity within the territory? There was a lot of uncertainty, and that uncertainty would have clearly been a discussion for the regulator and the asbestos response task force in that period.

MR COE: So prior to this widespread response, when somebody had sought to knock down a property that had loose-fill asbestos, how was WorkSafe engaged?

Mr Brown: We provide minimal commentary on the arrangements prior to July 2015, when the asbestos response task force's pilot activity was first undertaken. There are references to a handful—two, three, four—private sector demolitions prior to July 2015, and there is a reference in chapter 2 to what the inspection team did with those private sector demolitions.

We looked at the records for the low number of private sector demolition activity inspections prior to 2015, but we do not provide substantial commentary on that other than to reflect that in the paperwork the inspectors were using at that stage—we are talking about between April and June 2015—there was the beginning of the approach that was subsequently taken. So you can see in the paperwork some of the references to the approach that they would take.

Dr Cooper: The reason we did that was because we knew it was a hot audit. We knew that the issue was around what was currently being done rather than necessarily looking into the history, so we could, if we needed to, craft the recommendations. As it came out, we perceived strongly a need to frame how they did the next half.

Mr Brown: Really focusing on the properties within the 1,023 that were part of the scheme the asbestos response task force was administering rather than prior to the scheme taking off.

Dr Cooper: Because that is the certainty—there would be more exactly in that scheme.

MR COE: But prior to April 2015, so let's say in 2010—or any time really—somebody had sought to knock down a house with loose-fill, or even just several walls of a house. To your knowledge, did it engage a particularly thorough process, or is it clear, based on the 2015 actions, that a thorough process was not in place to deal with loose-fill asbestos?

Dr Cooper: I do not think we can answer that. We did not audit that and, being

auditors, we are cautious. I do not think we could make a call on that. It could be dependent upon the people who were there. We did not look for all the documentation and things like that. Sorry, Mr Coe, we cannot answer that.

MR COE: The reason I ask is that there must be hundreds of properties that had loose-fill asbestos that had renovations done over the years and certificates of occupancy have of course been issued. Some were issued, I believe, in 2014 or even at the beginning of 2015. Obviously it was not on the agenda of WorkSafe that the problem warranted such a regulatory response.

Dr Cooper: That is an incredibly important question, and we respect that. But we would not have been able to achieve what we achieved in the audit of hitting that deadline to shape what we then wanted to shape in the second half of the demolitions. The audit would have gone on for a month or two more. Apologies to the committee: yes, we have a definite focus. But we chose it because we thought that, in the best interests of the public, this was what we could do. We are not saying that is not an important question—definitely it is. But we cannot answer it, and the reason we cannot is because of the focus of our audit.

MR COE: Did WorkSafe provide any advice to the government that led to the major government response or was it the major government response that then instigated action from WorkSafe?

Mr Brown: Our clock really began on 1 June 2014. The establishment of the asbestos response task force and the shadow establishment of an asbestos team happened at the beginning of 2014-15. We did not go back before then. What we can see is the contemporaneous development of the regulatory response in early on in 2014-15. As to what precipitated what, we did not establish that.

MR COE: Did you come across any guidance or any material on how to deal with loose-fill asbestos that pre-dates the task force?

Mr Brown: We did not find any audit material—well, in the report we do not reference any. I need to be careful here. We do not reference any material in the report that pre-dates the establishment of the asbestos response task force. We were aware that the asbestos team was a new team; there was no dedicated asbestos team prior to the establishment of the team in June to September 2014. The function was performed by a more generic team. If there was a need to respond to the regulation of asbestos according to workplace health and safety, that would have been undertaken by workplace inspectors in a broader industries team rather than a specific, specialist asbestos industries team.

MR COE: Are you aware of any occasions, perhaps separate to this specific audit, where WorkSafe has identified a problem which has then led to a policy response from the government? This one seems to be the other way around. I know you are not able to comment on that, but it seems to be that, rather than the experts in WorkSafe advising the government, somewhat fortunately there was a political response to this and that then led to actions being taken. But I wonder whether the role of WorkSafe is simply to carry out existing policy or is it to proactively advise government on necessary changes?

Dr Cooper: I would say it is probably a combination of both. But what we found was the lack of a strategy and program, and that is critical. That strategy and program can be shaped in very different ways, and it will have a very different risk profile. Again, we brought out the lack of the risk analysis. So you would imagine there would be some professional position from WorkSafe ACT put to the ACT government about how this could most effectively be regulated, and we clearly say we could not find that strategy, that framework.

MR COE: That is still WorkSafe responding to a question as opposed to proactively saying, “Here’s a problem that needs to be addressed.”

Dr Cooper: Again, we did not audit that. But we would say that within the ACT, in terms of this regulatory activity, something like 90 per cent of the houses that are being demolished are by the government, so you have a complex system whereby procurement and capital works have ten head contractors to actually then do the work. So the question then is: what are the arrangements in those contracts? What level of risk and security does the Canberra community have from that versus what the regulator is doing? It is not just a matter of a regulator doing a lot of activity; it is around how you would assess the risk relative to the system in place. We did not have evidence that that was analysed.

Mr Brown: I will add that in chapter 1 we reference some of the revisions to the legislative framework. We did not identify whether, for example, the need for an ACT response to chapter 8—

Dr Cooper: Can you reference this, for the committee’s benefit?

Mr Brown: This is chapter 1.14:

On 1 January 2015, the amended *Work Health and Safety Regulation 2011* came into effect. It included a detailed chapter on asbestos (Chapter Eight) in line with model work health and safety regulation for all Australian jurisdictions. This introduced a broader and potentially more effective basis for WorkSafe ACT to regulate the demolition and remediation of loose-fill asbestos contaminated houses ...

In other words, we did not establish whether a change like that was accelerated or precipitated by the Work Safety Commissioner or whether it came from the asbestos response task force. We understand from interviewing the former Work Safety Commissioner that his time was majorly occupied with the regulatory framework and then implementation. He used the figure of up to 70 per cent of his time was spent on this at points over the two years from 2014 to 2016.

Dr Cooper: Again, we were trying to understand where the strategy came from. So although that commissioner is no longer in Australia, we interviewed him and tried to communicate on it.

Mr Brown: Again, in the period between September 2014 and February 2015, looking at the record of how the how-to guide was formulated, there is lots of toing and froing between the asbestos response task force and the Work Safety

Commissioner. So who was driving and for what purpose, at any given point you could not make a call on that.

MS CODY: I want to carry on with a point you raised a moment ago. You noted that the previous Work Safety Commissioner is no longer around. Who are some of the people you spoke to for the audit?

Dr Cooper: I am not going to tell you. I will tell you their titles.

MS CODY: Yes, that is what I meant; I did not mean the individual people. Sorry, Dr Cooper.

Dr Cooper: Sorry, I am a bit defensive on that because we guarantee privacy.

MS CODY: Yes, and I did not actually want people's names, just titles.

Mr Brown: We can provide a flavour, certainly, of the teams.

Dr Cooper: We met with the asbestos team and its managers, the Work Safety Commissioner who resigned and the current Work Safety Commissioner. We also talked to some of the asbestos teams themselves and a number of staff that worked on WorkSafe and the asbestos team's initial response to the challenge. There would be at least 15 to 20—a significant number.

Mr Brown: Probably more, probably 25.

Dr Cooper: We talked to a lot of people and they were from management, they were the workers themselves and they were the commissioners. I am not sure, but I think we also talked to some people in the task force?

Mr Brown: We did.

Dr Cooper: We did, yes. And we also spoke to procurement and capital works. It was very hard to get this picture, and we were most concerned that we clearly identified that risks in the WorkSafe crew had not been clearly articulated. The question always is: does the system as a whole provide some insurance? I came to the conclusion it did. There are a lot of players. You have some insurance through procurement and capital works, through the contracts. You also have some insurance through the role of the asbestos response task force. So if you were relying entirely on WorkSafe ACT, if we did not have all this other end, from my perspective it would have been a much higher risk.

That does not mean they should not have articulated their risk; they certainly should and certainly should have focused their work accordingly. But, given the program that we have, it is not like they were all private ones. Having said that, we did find—and Mr Brown can provide details—that for the four or five per cent of private demolitions it is questionable that they pose potentially a higher risk than the government ones, and yet they were not treated accordingly by WorkSafe ACT. You would think there would be potentially more emphasis than what we found.

MS CODY: Recommendation 7, on page 11, talks about notifiable incidents. Having read not the whole chapter but just this snapshot here, I note that part of the commentary you use is that procedures for WorkSafe ACT's management of notifiable incidents should be developed, approved and implemented. Are you stating that you did not feel enough or relevant or correct notifiable incidents procedures were in place?

Mr Brown: I would take us to chapter 4 for the detail on this, and I will try to give you a precis. There is quite a lot of documentation about what a notifiable incident is, what the entity responsible for making that notification should do, and in what format it should be prepared and presented. We identified some degree of uncertainty in how the government officers and then WorkSafe should respond when that notification comes in. We identified that, of the seven notifiable incidents that we had pulled out from the records, four of them had not been appropriately notified, and those same four involved in some form or another a government employee.

In other words, the government employee—whether it was the first point of contact from a third party or whether the employee was directly a witness to the incident—had some dilemma or degree of uncertainty about how they should respond. In that respect, the issue was not about what should you do as the person needing to notify; the issue was how the government, particularly WorkSafe, should respond when they are aware that an incident has taken place. So it is the reaction from the government, not from the person who has the responsibility to notify. Three or four sources are referenced in the report about what you should do as a private individual or as the person responsible, but not what the government should do.

Dr Cooper: We have a key finding where we try to draw all this together, in 4.32:

A review of Asbestos Team-issued Improvement Notices and Prohibition Notices and accompanying workplace inspection reports found that records were inadequate and management involvement, although not mandatory but encouraged in guidance documents, was lacking.

That is such an important issue that we thought you should certainly have management's oversight far more evident. Even though it is not mandatory, given the issue, you would have expected it.

Mr Brown: To summarise, 4.48 puts it succinctly.

Duty holders with knowledge of the incident are encouraged to coordinate their efforts to notify WorkSafe ACT.

Fair enough.

When an ACT Government employee was either a witness (and potential informant) to a matter or an employee contacted by a duty holder, records of the interaction between ACT Government officers indicate hesitancy and a lack of knowledge of procedure.

That was really where the deficit was—that is, “What do I do as an employee?” not what you do as someone needing to notify.

Dr Cooper: Then our expert said there should be a culture of over-reporting rather than under-reporting, given the issue. If they report and it is not an issue, that is fine; but if they do not report and it is an issue, that is not okay.

MS CODY: In your opening statement, Dr Cooper, you mentioned that WorkSafe had notified you that they had taken on board all your recommendations.

Dr Cooper: We have actually gleaned that from the government's response. I believe the government's response was around 21 March 2017. They have agreed. As I said, I think it is terrific that they have agreed; the issue now is how they have implemented it.

MS CODY: And that was something that you suggested in your opening statement, that maybe their internal audit—

Dr Cooper: Yes, and the review committee could have an audit on that. We could not make a call on the effectiveness of what they were doing because we did not have that framework on which to compare and understand what they were trying to achieve. Having agreed to that, for the majority of the next 500 one would hope there is material that some auditor could pick up and have a look at.

MRS DUNNE: What is the ongoing utility to the territory of this review? We are not going to have another loose-fill asbestos demolition program, so what is the long-term utility of the program?

Dr Cooper: I am not sure I can answer that in terms of the program. But a regulator is a regulator, and Access Canberra has many regulators in different disciplines. Given the findings from this audit, a question for the agency I think is: has that assisted you in looking at the management of other areas within Access Canberra? The utility from both the audit and what WorkSafe are doing is looking at it in terms of better practices that might then be conveyed across all regulators, setting a benchmark for what is expected within the territory.

MRS DUNNE: I am asking this question because I am thinking about what sort of recommendations a committee like ours might make in the light of this. It is not going to be in the space of, "Next time we do loose-fill asbestos demolition you should do X and Y and Z." You were talking before, Dr Cooper, about critical incident reporting and how you would improve that and establish regulatory processes. Is that a reasonable take-out of what you are proposing?

Dr Cooper: That is. There are two things: there is your normal, everyday regulatory activity and then there are issues like the asbestos one which are, if you like, critical issues that emerge. So it is about what are the processes in Access Canberra for dealing with both of those? What are the lessons they have got from this in terms of setting up what they need to do for regulators in an emergency situation versus the normal? But in both you would clearly have some principles that I imagine the executive management would want to be put forward. They would be around being clear on the strategy and being clear on the program. In terms of a regulator there are many ways to achieve the outcomes that you want to achieve: be really clear on the

pathway you are choosing and, in doing that, look at the risks and your resources.

MRS DUNNE: So what you are saying is that, because this was such a big enterprise, the WorkSafe organisation and other critical incident responders should be using the experiences here to say that if there was a natural disaster or a chemical fire or a building collapse, there are things about the processes employed here that can be translated into standard operating procedures for those sorts of incidents?

Dr Cooper: I think so, yes.

Mr Brown: The audit looked at a period of regulatory activity that both pre-dated and post-dated the establishment of Access Canberra in December 2014. So what we see is a lot of the early information on how to develop a program response to an industry regulation. The guidance comes from the Office of Regulatory Services in 2011, 2012 and 2013.

Dr Cooper: That was in the Justice and Community Safety Directorate.

Mr Brown: So a lot of the approach in the early days that we looked at came from the way that particular function worked. The guidance came from that era. Yet the operationalisation of this from July 2015 onwards was managed within Access Canberra, and at the time Access Canberra was going through transition. Certainly in 2016 the licensing function was being brought together.

So there are various moving parts, and we needed to focus in very narrowly on this small team. It is a team of up to 10 people. Bear in mind that the inspection team that WorkSafe report on to Safe Work Australia numbers, I think, 30 inspectors, so it is not an insubstantial number of their inspectors. In that respect it is an industry-targeted audit. It is a chunk of WorkSafe's front-line activity. So, more than simply looking at the response by the asbestos team, does it have implications for other areas of WorkSafe's operation and potentially Access Canberra's activity? One would hope so.

The government's response of 21 March 2017 states:

Access Canberra recognises that across the organisation there are varying degrees of maturity with regards to governance. Access Canberra acknowledges the implications of the Auditor-General's findings across the broader organisation and will establish a dedicated team to strengthen the focus on governance arrangements.

That seems to recognise that the audit did have more potency than simply looking at the function—the completion of the regulation of the 1,023 demolitions.

MRS DUNNE: What is the internal audit capacity of WorkSafe and Access Canberra? Do they have the capacity to do the sort of audit you are envisaging?

Dr Cooper: We did not look at their capacity. I am sorry, we really have no knowledge of that. But the audit and review committees classically take material from our audits and monitor the implementation of the recommendations. Even if there is an issue where they need more capacity, it would be an important starting point for

that committee, who should have some independent members able to advise the head of Access Canberra about what they think of implementation processes.

MRS DUNNE: Would that be something that you, in your financial audit capacity, would come back and look at? When you are looking at Access Canberra, do you look at their internal audit process through your financial audit?

Dr Cooper: We make sure the governance structure, of which that is part, is considered, but we would not be looking at whether or not they have implemented the recommendations in a particular way.

MRS DUNNE: But you would form a view about whether the internal audit part of their governance structure is robust?

Dr Cooper: We would have a view, yes. And whether it was independent is certainly something we look at.

Mr Brown: But if that internal audit function wanted to focus all its resources in one area, we would not make any comment on program coverage or priority or the resources that flow one way or another.

Dr Cooper: I do not know who the chair of that particular committee is, but the chairs are very important in terms of setting how those committees work.

Mr Brown: As part of this audit—indeed, as part of most audits in the preparatory stage—we established the extent to which the internal audit function had already covered the ground we were proposing to cover. We asked the question of CMTEDD whether WorkSafe, or specifically the asbestos team, had been the subject of an internal audit. The answer was no, and that was in May 2016.

Dr Cooper: And I think a question could be asked—this is not a direction or a view—around accountability indicators going forward for the kinds of things being put in place. Is there an accountability indicator in Access Canberra that would help a committee, members of the Assembly and the public to monitor what is going on?

MRS DUNNE: That is something the relevant committee could follow up during annual reports and things like that as well.

MS CODY: I want to go back to the point Mrs Dunne was raising in the first part of her question. You only had a very small purview, and I completely understand that. But for the notifiable instruments, if there were procedures in place on when and how to notify, there may not be across the whole of the—

Dr Cooper: You would not know.

MS CODY: Yes.

Dr Cooper: I think management—and from the comment Mr Brown read out earlier, they seem to be doing this—would be looking at this for lessons elsewhere, particularly if they look at our key findings and look at the headings.

THE ACTING CHAIR: Page 41 refers to the administrative support for the asbestos team inspectors. Can you tell me more about the qualifications needed to be an inspector in the asbestos team?

Dr Cooper: No, I cannot give the details on that, but I am aware that a considerable number of the inspectors are ex-policemen.

Mr Brown: Paragraph 2.66 refers to the white card and working with asbestos.

THE ACTING CHAIR: It says:

... all asbestos team inspectors at the time met two essential standards:
construction white card and introduction to asbestos removal.

Mr Brown: Talking to the subject matter expert, our understanding was that these were mandatory for working on a construction site and with asbestos anyway. In other words, whether you are an inspector or not an inspector, if you are on site you are going to have those two. We reviewed this draft matrix and, given that it was a draft, that was the only observation we could make—that is, the two skill requirements seem to be things that would be requirements of anyone working on such a construction site.

MS CODY: Did you audit the fact that the staff working in the asbestos removal task force area of WorkSafe had those two qualifications?

Mr Brown: No, we did not check back to primary documentation that each of the two to four inspectors working in 2015-16 or the 10 inspectors working in 2016-17 had, (a) a white card or (b) working with asbestos qualifications.

Dr Cooper: We just did an examination of the material that was on the record.

THE ACTING CHAIR: The odds are that they all would have had it.

MRS DUNNE: You would hope so.

THE ACTING CHAIR: Yes; it is very easy to get both.

MRS DUNNE: It is not a very high bar.

THE ACTING CHAIR: What exactly was qualifying them to be an asbestos inspector?

Dr Cooper: I think you would have to ask the agency the criteria on which they hired these people. It could be investigative skills and their ability to get those cards.

THE ACTING CHAIR: Can you tell me more about the competency matrix? Did you see that?

Mr Brown: No.

THE ACTING CHAIR: But it exists?

Mr Brown: It was a draft matrix that we looked at; it was a work in progress.

THE ACTING CHAIR: That was in July of 2016?

Dr Cooper: Yes.

Mr Brown: There was recruitment activity between May and July. The team was growing substantially; it went from the two to four inspectors in 2015-16 to 10 in the first half of 2016-17. We were asking questions at that point when they were growing the team, so our understanding was that the recruitment process was where the competencies would be established in terms of selection.

MR COE: With regard to asbestos management plans, are you confident that WorkSafe have a reasonable grasp of this area of their work?

Mr Brown: There are a couple of references to asbestos management plans in the report. Certainly it was considered a deficiency during the resourcing process in chapter 2, paras 2.50 to 2.60. If we look at para 2.56, there is no evidence that the requirement for the asbestos team to regulate asbestos management plans was factored into the resourcing requirement as at 20 June 2016. Our understanding was that this was a new regulation and it related to Mr Fluffy residents who would continue to reside in their homes. The AMP was a necessary step for them to continue to reside in their homes, and that would be necessary from 30 June 2016, as at para 2.55. That was not seen to be something anticipated in the resources requirement around the same period.

There was a response when we asked the question as to the asbestos team's function in regulating the asbestos management plans. In 2.56 there is a reference to the initial response and that it would be an educative rather than an enforcing role for the first six months of that period:

WorkSafe ACT officers indicated that it would require limited work in the first six months, and that the main compliance strategy initially was to be that of 'engagement' and 'education', and not enforcement.

MR COE: That is on the presumption that every house would be knocked down, so therefore—

Dr Cooper: There would be fewer.

Mr Brown: There were an ever-reducing number of residents living in housing. The figure of 1,023 was getting smaller by the day.

Dr Cooper: Has that assisted, Mr Coe?

MR COE: Yes. The issue I have is more of a policy question than an audit question.

THE ACTING CHAIR: Thank you for coming in.

Dr Cooper: Thank you, committee members, for listening to us.

The committee adjourned at 10.28 am.