

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

2021–22 Budget Estimates

Melbourne—Monday, 21 June 2021

MEMBERS

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr James Newbury

Mr Danny O’Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor

WITNESSES

Ms Ingrid Stitt, MLC, Minister for Workplace Safety, and

Ms Rebecca Falkingham, Secretary, Department of Justice and Community Safety; and

Mr Colin Radford, Chief Executive Officer, WorkSafe Victoria.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee. We welcome you back, Minister, this time for consideration of the workplace safety portfolio. We invite you to again make a short presentation, and this will be followed by questions from the committee.

Visual presentation.

Ms STITT: Thank you, Chair, and thank you, committee members, for the opportunity to appear before you today. I would like to acknowledge the traditional owners of the land on which we are gathered and pay my respects to their elders past, present and emerging, and I would like to acknowledge any Aboriginal people joining us today. Coming home safe from work each and every day is a fundamental worker's right. That is why workplace health and safety is such a priority for this government. While we know the majority of employers comply with their health and safety obligations, WorkSafe inspectors continue to play an important role as part of Victoria's independent workplace health and safety regulator.

For the year 2020–21 up until the end of May 2021 WorkSafe inspectors have conducted more than 44 000 visits and inquiries and have issued more than 8700 improvement notices. During the pandemic WorkSafe's online guidance has been an invaluable resource, with more than 10 million visits to the website. I would like to take this opportunity to thank WorkSafe inspectors and also our workplace health and safety reps for the important role they play in making our workplaces safer.

When someone is ill or injured at work, WorkSafe is key to ensuring injured workers get the support they need. Between July 2020 and May 2021 the number of new workers compensation claims WorkSafe received was more than 25 000. More than 11 880 injured workers have been assisted back to work between July 2020 and May 2021, and we know it is so vital that workers are being properly supported in their return-to-work journey with targeted support that takes into consideration their individual circumstances.

We are continuing to deliver on our government's workplace safety commitments. We have delivered important changes that will ensure workers can access the mental health support they need much sooner through our provisional payments scheme that I am pleased to say will commence on 1 July. We are also removing barriers for workers who might have a dispute about their injury claim. Our arbitration laws, which passed the Parliament earlier this year, will provide an additional low-cost way to resolve disputes so that all Victorians injured at work get the help and support they need to recover and return to their job.

We are undertaking a major program of reform to prevent and better respond to sexual harassment in the workplace, with four major pillars: prevention, support, enforcement and accountability. We have also established a ministerial task force on workplace sexual harassment as part of this work, which I will speak to shortly. The government has also committed to develop and introduce psychological regulations. These changes will put psychological hazards on the same footing as physical ones, recognising that they can be just as harmful to worker safety and wellbeing. We are continuing to lead the nation through our silica action plan to protect workers from harmful silica dust. Our licensing scheme regulating the use of engineered stone is on track to be finalised later this year, and over 1000 workers have registered for free health assessments.

Our Workplace Incidents Consultative Committee is going to play a vital role in giving a voice to those who are facing the heartbreak and ongoing challenges of losing a loved one or supporting someone suffering a serious injury or illness because of their job. I am pleased to say that the committee had its first meeting last week, and I look forward to the insights and advice that they will provide. We have also established the ministerial task force on sexual harassment to provide advice on ways we can strengthen the occupational health and safety framework to better address sexual harassment as a workplace health and safety issue. The task force held its first meeting in May and met again in June, and I look forward to receiving their advice later this year.

Throughout this year WorkSafe ran a number of important public awareness campaigns, ranging from farm safety to sexual harassment. This is a vital part of what WorkSafe does and helps us shift attitudes toward safety in the workplace. I am proud of the work and the reforms our government continues to deliver in workplace safety to ensure that every workplace is safe and that we continue to get the message out there that no matter where you work, there is no excuse for failing to protect workers. Thank you for the opportunity to appear before you this morning, Chair.

The CHAIR: Thank you, Minister. Ms Richards.

Ms RICHARDS: Thank you, Minister, and thank you to your departmental officials for your appearance this morning. I would like to take you to the presentation and the discussion you had as part of your presentation on the arbitration laws. As you said in the presentation, they passed the Parliament this year, and I understand that they are providing an alternative to court proceedings if an injured worker's compensation claim is not resolved through conciliation. Can you please outline for the committee's benefit how the new model benefits injured workers?

Ms STITT: Thank you, Ms Richards. Look, we know that in the event of an injury at work Victorians really rely on the WorkCover scheme to support them through their recovery and their return to work. Much of the focus is on the prevention of workplace accidents. Tens of thousands of Victorian workers sustain an injury at work each year, and that is a huge focus of the work of WorkSafe—to help prevent that from happening in the first place but, when an injury does occur, to make sure that there is that support there for their rehabilitation. Look, I think everybody would understand that WorkCover claims are not always straightforward, and disputes can occur between WorkSafe agents or, in the case of self-insurers, with injured workers who have lodged a claim. But the process to resolve those disputes can often be lengthy and stressful, so the process should not make things more difficult. This new model does provide a new, inexpensive and timely pathway for injured workers to have their disputes resolved. It is a commonsense change, and it will ensure that more injured workers have access to justice that they might not have had under the previous system.

The reforms put workers at the centre of decisions about how their dispute is handled. It is aimed at lower-cost disputes and provides a choice for an injured worker to more quickly resolve the dispute about their claim so they can make an active choice about whether they go through the arbitration model or whether they pursue their case through the courts. If parties to a dispute do not reach agreement at conciliation at the ACCS, the types of matters that may be heard at arbitration include disputes about compensation for medical and like expenses and also compensation for lost earnings. A timely resolution of disputes is incredibly important, as we know, because we know the focus needs to be on the injured worker's recovery and return to work rather than getting into a long and protracted legal dispute. Once an application for arbitration is received, a hearing must be held within 30 days and must conclude within 60 days of the first hearing date. And it needs to be determined within 14 days of the final hearing day, which is a much more truncated time frame than many of the court cases that occur under the current system. So this will result in the time line for disputes being resolved within four months, which is less time than it takes to resolve through the court proceedings.

Ms RICHARDS: Thanks, Minister. So again referring to that element of your presentation, what are the benefits of the arbitration model to the WorkCover scheme?

Ms STITT: As well as what I have already mentioned, Ms Richards, around that low-cost, timely and more informal avenue for injured workers to resolve compensation disputes, the model provides long-term benefits to the WorkCover scheme. Obviously nobody benefits from a long, protracted and costly court process, and these reforms are set to deliver long-term social and economic benefits we think both for injured workers and for the scheme itself. So by having disputes resolved sooner, a greater number of injured workers will be supported to return to work at the earliest opportunity, and that obviously results in fewer injured workers remaining on the scheme longer. The model's design means disputes will be resolved in a low-cost and timely way, resulting in a decrease in legal costs that are currently being expended by the scheme. Although injured workers may be awarded a fixed component of legal costs by the scheme, those costs are limited in contrast to costs associated with litigation through the courts, so there are some benefits there as well.

It is also anticipated that the model will have long-term behavioural impacts on decisions regarding workers compensation claims by agents and self-insurers, and determinations made at arbitration may inform future decisions regarding similar claims considered by agents going forward, so we think that that therefore could

result in improved decision-making and support for injured workers to return to work. And of course it is expected that a reduction in matters proceeding to court has the potential to reduce a range of associated court costs.

Ms RICHARDS: Minister, could you explain for the benefit of the committee how the new function will work in practice and perhaps enlighten us a little bit on who can apply for arbitration?

Ms STITT: Yes, I will be very happy to do that, Ms Richards. The system will ensure that arbitration is available to injured workers whose injuries are sustained, from the legislation commencing—so it will not have retrospective application. And implementation activities are progressing well; there is quite a bit of planning and implementation work being done by the ACCS. Through arbitration, injured workers will be eligible to receive compensation for medical and like expenses, up to a maximum of \$20 000 for medical and like expenses and weekly payments for up to 52 weeks. Limiting compensation in this way allows for that more informal and timely process without the necessary formality and cost associated with high-value claims.

In terms of how the system works, if a worker does not agree with a decision about their workers compensation claim, they can refer their claim for conciliation in the first instance, and if their claim is not resolved at conciliation, a genuine dispute certificate is issued. Under the new model the worker would then be able to choose within 60 days whether they have their dispute determined by the arbitration model through the ACCS or whether a court is more appropriate in their particular individual circumstances.

Ms RICHARDS: Minister, again using that reference from the presentation, how does the model address the issues raised by the 2019 Victorian Ombudsman's report, understanding and recognising that related to those long-term complex compensation claims?

Ms STITT: Yes, the arbitration model does directly respond to the Victorian Ombudsman's recommendations to introduce a dispute resolution process which allows for binding determinations on the merits of the claim decisions. One of the recommendations of the Ombudsman was to ensure that that was as inexpensive as possible and could be accessed in a timely fashion. The findings and the recommendations in the Ombudsman's 2019 follow-up investigation into complex claims and the management of complex claims did really paint quite a troubling picture for some injured or unwell workers who were seeking support. The Ombudsman found examples of some agents acting unreasonably during conciliation—for example, stretching out dispute processes or exacerbating the injury through the associated stresses of having to go through these types of disputes.

The introduction of the arbitration model is really designed to both help address that behaviour and have a much more user-friendly model which is really about driving rehabilitation for injured workers and return to work rather than people getting caught up in these complex and quite damaging disputes.

Ms RICHARDS: Minister, of course at the centre of this is the injured worker, so I am interested in understanding how the injured worker will be informed about the new model.

Ms STITT: Thank you. It is a good question, because we want to make sure obviously that workers are making informed decisions when it comes to making a choice between going down the arbitration path versus going down a court process. The Accident Compensation Conciliation Service has been doing a power of work to build the implementation model for this arbitration model and support the effective implementation of it, including making sure that we are getting the message out to all the key stakeholders—so our employer associations, our peak union bodies, our unions—through the various consultative forums that WorkSafe have and regularly talk to stakeholders through—and also making sure that our legal industry, those legal organisations that represent injured workers and those injured worker support groups all are cognisant of these changes. We have got a little bit of lead time to get the messages out there about this new model. The ACCS are doing a power of work, and I think the Act will come into—1 January 2023 is the date, but I anticipate that we will be able to enact that legislation a bit earlier because the ACCS are doing a great job of setting up all the new processes that will be required to support the arbitration model, including recruitment of specialist arbitrators, including making sure that the ACCS's physical courtrooms are ready and also of course the important issue that you have asked about in terms of workers being availed of their rights.

Ms RICHARDS: Terrific. I am just going to take a track change and bring you to something else that you raised in the presentation, and it is something else that is incredibly important, I know, to you and to many of us

on this committee. Your presentation touched on the work you have been doing to address sexual harassment in Victorian workplaces. Can you perhaps tell us a little bit more about the government's workplace sexual harassment reform agenda?

Ms STITT: Thank you, Ms Richards. Look, it is quite confronting that, according to the Australian Human Rights Commission, one in three people has been sexually harassed at work in the past five years. That is a very troubling and disturbing statistic when you consider the decades of effort around eliminating this kind of behaviour in Australian workplaces. So it really does highlight the urgent need to tackle this pervasive issue as a workplace health and safety problem. Of course it is up to employers to provide a safe workplace and to take all reasonable steps to prevent and effectively deal with sexual harassment at work. As a form of gendered violence, we know that sexual harassment can cause huge damage mentally and physically in the workplace, and Victorian employers do have clear obligations under the OHS Act to take every reasonable step to make sure that our workplaces are free from this risk. However, I think that we know that the current system is not working just by the sheer weight of numbers, and I think that the vast majority of workplace sexual harassment allegations are either going unreported or they are, you know, kind of being quietly swept under the carpet. Under the current system all of the onus is on the victim of this sort of behaviour to take the lead, to speak up, to take on the fairly daunting task of litigation. So that is why we are undertaking a workplace sexual harassment reform agenda to put an end to sexual harassment in Victorian workplaces. As I mentioned in my presentation, there are four pillars that underpin this work: prevention, support, enforcement and accountability.

And I have also mentioned that we are commencing development of psychological regulations. This is a very important step. It is about strengthening the occupational health and safety framework by providing very clear guidance to employers on their obligations to better protect workers from mental injury, and that does include sexual harassment. In fact WorkSafe have developed some excellent guidance for employers about preventing and eliminating sexual harassment in the workplace. So essentially these changes will put psychological hazards on the same footing as physical ones, and that really recognises that the harm of this sort of behaviour can be just as deadly as physical risks to a worker's health and safety. They follow several recent reviews which recommend strengthening workplace health and safety laws to better address workplace psychological health, including the *Review of the Model Work Health and Safety Laws* nationally—or the Boland review, as it is known—and also the *Respect@Work* report, which I am sure committee members will be familiar with.

The reality is that a workplace that is not free from sexual harassment is not a safe workplace, so this is a fundamental challenge to ensure that every worker deserves to feel safe at work and free from this kind of behaviour.

Ms RICHARDS: Thanks, Minister. Thanks, Chair. I will leave it there.

The CHAIR: Thank you, Ms Richards. Mr Riordan.

Mr RIORDAN: Thanks, Chair. Good morning. My question is first to you, Mr Radford, if I can, please.

Mr RADFORD: Yes, Mr Riordan.

Mr RIORDAN: Budget paper 3, page 279—you provided advice at our last lot of hearings that 24 investigations were underway relating to COVID. Twenty-three of them were active at the time, and that was in response. How many investigations are still underway and how many have concluded? If you do not have that handy, I am happy to take that on notice.

Mr RADFORD: Thank you, Mr Riordan. I can provide you with some general statistics in relation to our ongoing investigations. I cannot talk about individual investigations—

Mr RIORDAN: No. Yes, I can understand that.

Mr RADFORD: as you are aware. As at 16 June there were 21 ongoing investigations.

Mr RIORDAN: Are they the same 21 of the original 24?

Mr RADFORD: Yes, so I will go through that. So there are 21 ongoing investigations in relation to COVID-19 transmission. Nine investigations have been concluded; five of those are related to workplaces for food processing essentially. So those nine have concluded without charges being laid. There are

11 investigations that are currently in the process of legal review, which is the final step before determining whether a prosecution is commenced.

Mr RIORDAN: And those 11, are they government agencies—

Mr RADFORD: I cannot answer that question. I do not know, because, as you are aware, I do not conduct the investigations. I can take that on notice. I am not sure if I will be able to provide—

Mr RIORDAN: If you would please take that on notice—

Mr RADFORD: I will have to check if I can provide it.

Mr RIORDAN: just the breakdown of what industries they have come from.

Mr RADFORD: We can probably do it by industry, yes.

Mr RIORDAN: Okay. One of those investigations that was still underway in December was investigation number seven, which was workplaces associated with the COVID-19 hotel quarantine program. Understanding how you have just answered that, can you provide any update on those investigations?

Mr RADFORD: Yes. The investigation that you refer to in terms of hotel quarantine is ongoing. It is a very complex investigation, as I think I have previously advised the committee, with multiple duty-holders and witnesses, but that investigation is ongoing. You would appreciate, Mr Riordan, that I do not conduct the investigations. They are done by highly trained and experienced investigators. I do not know when that investigation will conclude.

Mr RIORDAN: Is there a sense of urgency to get that investigation concluded, considering the massive toll it is taking on the Victorian economy?

Mr RADFORD: There is a sense of ensuring it is done properly, Mr Riordan. So these investigations that are complex do take time. I guess an example or an analogy might be the Hazelwood mine fire, which was a very complex event and investigation. That investigation took some 470 days, so these complex investigations take time. I appreciate there is some public interest in this matter, but our priority is to make sure—

Mr RIORDAN: I think that would be an understatement, yes.

Mr RADFORD: Our focus is on ensuring that the investigation is conducted thoroughly.

Mr RIORDAN: And for example the most recent outbreak that we have seen again, are you picking up these ongoing events as well, or are you only looking at that snapshot in time last year?

Mr RADFORD: Sorry, I do not quite understand the question.

Mr RIORDAN: Well, we have had another hotel quarantine breakdown, so is that added into your inquiry?

Mr RADFORD: That is a separate investigation.

Mr RIORDAN: Separate again, so that would be another new one?

Mr RADFORD: Yes. That is underway and ongoing.

Mr RIORDAN: Okay. So you have got no conclusion date on any of these investigations?

Mr RADFORD: No, I do not.

Mr RIORDAN: When the report is completed, particularly with relation to that, will the report be made public?

Mr RADFORD: Once an investigation concludes, if a decision is taken to prosecute, then charges would be laid. So it is not a review which will generate a report; it is an investigation for the purposes of *Occupational Health and Safety Act*.

Mr RIORDAN: So if you have the situation where there is a prosecution, that obviously becomes public to a certain extent. If there is no prosecution, are you saying there will not be any public disclosure of what WorkSafe found?

Mr RADFORD: If an investigation concludes without charges being laid, then we would advise that the investigation has concluded.

Mr RIORDAN: Is that made public, the findings of that? What confidence does the community have that it is not a whitewash? How do we know that your review of that is open and transparent and we get to see what you found?

Mr RADFORD: The confidence that the public can have, Mr Riordan, is that the investigations are conducted by very experienced professional investigators, most of whom have a background in policing or law enforcement otherwise. Their only focus is to determine whether there has been a breach of the Act and then to apply the law as Parliament intended.

Mr RIORDAN: So there is no capacity for anyone other than you to determine—is it you that determines whether it is made public or prosecuted ultimately?

Mr RADFORD: It is absolutely not me that determines whether a prosecution is commenced.

Mr RIORDAN: The recommendation comes to you.

Mr RADFORD: No, it does not. The recommendation comes from the head of our enforcement group to the Executive Director of Health & Safety. Generally, Mr Riordan, if a prosecution were to commence, I would be advised the day before charges were laid.

Mr RIORDAN: As I said, this would probably be one of the most keenly awaited reviews of anything that your agency has done in light of its impact on Victorians. Do you see there is a public interest in making public what you find regardless of whether there are prosecutions?

Mr RADFORD: What my investigators and what the prosecutions team would determine, Mr Riordan, is whether or not there has been a potential breach of the Act. If they determine there has not been a potential breach of the Act, then charges would not be laid.

The CHAIR: Mr Riordan, I would remind you this is not an inquiry into the health and safety Act's effectiveness; this is an inquiry into the 2021–22 budget estimates. It is also not the COVID inquiry, so I would ask that you keep your questions to the budget estimates, please.

Mr RIORDAN: Yes, and as we continually say, Chair, it is this very fact that has made such a difference to our budget. Just a last question on that then, Mr Radford: if there have been systematic department failures but no criminal acts taken, then nothing will go further with WorkSafe?

Mr RADFORD: What WorkSafe does, and as WorkSafe is required to do, is determine whether there has been a breach of the *Occupational Health and Safety Act*. That is our remit.

Mr RIORDAN: But what about systematic failures that may not be illegal acts but just clearly broken procedures and policies of government agencies that have caused the problem?

Mr RADFORD: Well, if it does not fall within the *Occupational Health and Safety Act*, it is not within the remit of our investigators.

Mr RIORDAN: You do not recommend anything to anybody? You just let it go?

The CHAIR: Mr Riordan, I would remind you that the remit of this inquiry is the 2021–22 budget estimates, please.

Mr RIORDAN: Okay. Moving on then, Chair: has WorkSafe investigated the government or department agencies for any other matters relating to COVID outside of hotel quarantine, such as contact-tracing failures,

lockdowns at prisons and youth justice centres and other government agencies that have been affected due to COVID?

Mr RADFORD: I am not aware of any other investigations involving government agencies outside of hotel quarantine.

Mr RIORDAN: Yes. So you are only dealing with the hotel quarantine?

Mr RADFORD: In terms of government agencies, that is my understanding.

Mr RIORDAN: I read in the papers on the weekend—is WorkSafe currently putting resources into policing lockdown 4 at the moment amongst small businesses and other businesses around Victoria? There are reports that WorkSafe is going out. Is it WorkSafe inspecting people for COVID compliance and putting fines on businesses?

Mr RADFORD: Part of WorkSafe's role is to look at the whole system of work in terms of health and safety, and that includes whether there are COVID-safe plans in place—for example, whether social distancing is being observed, whether mask wearing is being observed—

Mr RIORDAN: So it is WorkSafe that is currently doing that policing in the community?

Mr RADFORD: It is not policing. It is part of the *Occupational Health and Safety Act*, and that is part of WorkSafe's normal role, Mr Riordan.

Mr RIORDAN: So have you issued fines?

Mr RADFORD: No, we have not.

Mr RIORDAN: Have you issued show-cause notices or other—

Mr RADFORD: No. What we would issue are either improvement notices, which are to improve certain systems of work within a time frame, or a prohibition notice, which would be to prohibit work.

Mr RIORDAN: So have you been instructed by the department or the government to undertake that enforcement or review action under lockdown 4?

Mr RADFORD: No. No, the government does not instruct our inspectors to do anything, Mr Riordan.

Mr RIORDAN: So you have just done it off the bat? Yes. So I ask that in the mind that it appears that the government has not yet given any other support through to any of these businesses yet, but we have managed to start policing them for their compliance. That is not a direction from—

Mr RADFORD: I am not sure what the question is there, Mr Riordan.

Ms STITT: Can I—

The CHAIR: Minister?

Mr RIORDAN: Moving on—

The CHAIR: Mr Riordan, you put a proposition. The minister is entitled to answer it.

Mr RIORDAN: Well, I did not ask the minister. I—

The CHAIR: Mr Riordan, you put a proposition to—

Mr RIORDAN: No—

The CHAIR: Mr Riordan, you put a proposition to the other side of the table, and the minister is entitled to answer it.

Mr RIORDAN: Minister, would you like to clarify for the committee that your government has not yet paid out any small business loans but has started enforcing—it has found time to enforce and fine them?

Ms STITT: Well, that is not within the workplace safety portfolio, Mr Riordan. I was merely going to add to—

Mr RIORDAN: No, the fining—

The CHAIR: Mr Riordan!

Ms STITT: I was merely going to add to Mr Radford's comments and just indicate that obviously WorkSafe have been one of a number of agencies that have been responding throughout the pandemic. And the health and safety WorkSafe inspectors, part of their remit is to ensure that Victorian workplaces are safe, including mitigating against any risks associated with COVID-19, and of the many—

Mr RIORDAN: So how many agencies would that be, Minister?

Ms STITT: Oh, look, there are a number of different agencies involved. Obviously the health team, authorised officers and the like, but WorkSafe is one small part of that overall effort.

Mr RIORDAN: But you have not got the small business support team operating yet?

Ms STITT: I cannot answer questions in relation to that, Mr Riordan, because that is not part of my portfolio.

Mr NEWBURY: They can only take money.

The CHAIR: Mr Newbury, you do not have the call. Mr Riordan, if you could keep your questions to the relevant portfolio and the relevant estimates.

Mr RIORDAN: Perhaps you are using small business funds to pay for policing rather than supporting business.

The CHAIR: Mr Riordan, could you please keep your questions to the relevant portfolio and the relevant estimates.

Mr RIORDAN: My next question is again to you, Mr Radford. Budget paper 3, page 282—and you can take this on notice if you like. For the 2019–20 financial year, and separately the current financial year, how many visits by WorkSafe investigators to both Parkville and Malmsbury youth justice centres have occurred?

Mr RADFORD: Investigators or inspectors, Mr Riordan? I will have to take that question on notice, but—

Mr RIORDAN: Okay. Well, if you can clarify between inspectors or investigators. For each of the financial years and for both sites, how many provisional improvement notices have been issued by WorkSafe?

Mr RADFORD: I do not have that information, Mr Riordan.

Mr RIORDAN: Could you provide that on notice for us?

Mr RADFORD: I will take the question on notice.

Mr RIORDAN: Thank you. And can we please get some data from the visits that you have made for each and every corrections facility in those two financial years—so the other correctional facilities. Can you let us know what improvement notices, if any, have been issued for the last few years?

Mr RADFORD: I will take the question on notice, Mr Riordan.

Mr RIORDAN: Thank you. The department of justice output summary by departmental objective—in budget paper 3, page—

The CHAIR: Sorry, Mr Riordan. Your time has expired.

Mr LIMBRICK: Thank you, Chair, and thank you, Minister and team, for appearing today. Maybe my question is best directed to Mr Radford: with regard to the improvement notices and prohibition notices, it says in the presentation there were 8700 improvement notices. What proportion of those were COVID compliance related?

Mr RADFORD: I cannot give you a proportion.

Ms STITT: We have got the numbers.

Mr RADFORD: I can give you how many COVID notices have been issued but not as a proportion of overall. So as of 16 June WorkSafe has conducted 18 200 workplace visits related to COVID-19 and issued 926 improvement notices related to the management of the risk of COVID in the workplace.

Mr LIMBRICK: And how many prohibitions have been issued for lack of COVID compliance?

Mr RADFORD: I would have to take that question on notice, Mr Limbrick. I know how many improvement notices there have been. I do not have a breakdown of improvement notices and prohibition.

Mr LIMBRICK: But there have been some businesses shut down because of lack of COVID compliance or—

Mr RADFORD: No, WorkSafe does not shut down a business. What WorkSafe might do is prohibit a certain activity until the risk is appropriately controlled, but WorkSafe does not shut down businesses.

Mr LIMBRICK: Okay. Now, part of the compliance is QR code check-ins, I assume, so that gets inspected, I imagine, as part of this process. Clearly that would affect the workload of inspectors, I would imagine. So how far into the future are you planning on doing this sort of compliance checking for COVID-safe plans and QR codes? If you are planning future workforce, what date are you planning on finishing that?

Mr RADFORD: As the minister indicated, Mr Limbrick, WorkSafe is one of a number of agencies that are involved in the COVID response. Our focus is on the *Occupational Health and Safety Act*, and so we look at the overall systems of work. So we treat COVID in the same way that we would treat any other risk that needs to be controlled in the workplace. So we have an ongoing program of inspections. We had more than 70 people die at work last year, Mr Limbrick, so we are very heavily focused on farm safety, we are very heavily focused on construction, we are very heavily focused on manufacturing—on all of those areas where harm is occurring in workplaces. COVID is treated as a risk that needs to be controlled, and our inspectors take that into consideration when they visit workplaces for any number of reasons.

Mr LIMBRICK: Thank you. But COVID, particularly the QR codes, would be quite an unusual type of risk, I would have thought, because the risk is not necessarily someone getting injured or hurt at that workplace; it is the risk of not having enough data to trace something. That is quite a different type of risk than what you would normally be looking to inspect, isn't it?

Mr RADFORD: Well, we would look at the overall system of work in that workplace.

Mr LIMBRICK: Right. Okay. And so how has COVID compliance checking affected the overall workload, because as you said, you are focusing on farm safety and construction and all these other areas but I imagine you have got limited resources and therefore the COVID compliance checking, I imagine, would take away resources from other areas. Is that correct? Like, has it affected the overall compliance regime?

Mr RADFORD: No, because we dedicate our resources according to risk, so at the height of the pandemic last year, for example, there was probably more significant COVID activity than other activities, and a number of industries were not operating during the height of the pandemic last year. As we have seen a reduction in the number of community transmissions and workplace transmissions, then we allocate resources accordingly. So, as I said, we look at the suite of risks across the economy and then the controls in place to control that risk, and then we dedicate our resources according to where we think harm is most likely to occur.

Mr LIMBRICK: Okay. And with these visits, you said you allocate the resources to where you think harm is most likely to occur, so how do you select which businesses to inspect now? There are probably a lot of

businesses that you maybe would not have inspected as much and now you have to change that because of the COVID compliance plans and things like that.

Mr RADFORD: In terms of COVID specifically there are high-risk industries and activities as determined by the CHO—by the Chief Health Officer—in the workplace directions.

Mr LIMBRICK: And that sets your prioritisation for—

Mr RADFORD: It assists our prioritisation, yes.

Mr LIMBRICK: Yes, okay. So what types of industries are considered higher risk and what is considered lower risk?

Mr RADFORD: I would have to look at the current workplace directions, Mr Limbrick. I do not have that in front of me.

Ms STITT: Do you mean in relation to COVID, Mr Limbrick?

Mr LIMBRICK: Yes.

Ms STITT: It is based on the Chief Health Officer's advice

Mr LIMBRICK: I know that, but I am saying: what are some of the high-risk and low-risk industries as per that advice?

Ms STITT: I think it is probably well known that the meat industry has been one of those high-risk industries during COVID and the seafood-processing industry, also some areas where people might be working in close contact with one another. It is not exclusively sort of blue-collar processing jobs. It can often be call centres, for example. In the first lockdown call centres were continuing to operate, so there were some issues around social distancing and screens between desks and mask wearing and so on. It has changed a little bit over time. In terms of the current high-risk industries, abattoirs and poultry processing; air transport operations, so those port of entry areas like the airport; obviously hotel quarantine, hospitals and care facilities are also in those high-risk categories.

Mr LIMBRICK: Thank you, Minister. I think we have heard reports from around the world that the meat processing industry seems to be high risk. What is it specifically about that industry that makes it so high risk for COVID transmission?

Ms STITT: I am not an epidemiologist, but I do know from advice that we have received over the course of the pandemic that I think temperature might be a factor, and also because of the nature of the way the work is organised in abattoirs and boning rooms in particular, people are working in close proximity to one another. Beyond that I would not care to speculate because I am not a scientist, but obviously it has been an area that WorkSafe has been very focused on in terms of that high-risk setting.

Mr LIMBRICK: Thank you very much.

The CHAIR: Thank you, Mr Limbrick. That concludes the time we have set aside with the minister for consideration of the workplace safety portfolio. We thank you, Mr Radford and Ms Falkingham, for appearing here today. The committee will follow up on any questions taken on notice in writing, and responses will be required within 10 working days of the committee's request. We thank you for your time today.

Witnesses withdrew.