

# PROOF VERSION ONLY

## LAW REFORM COMMITTEE

### **Inquiry into powers of entry, search, seizure and questioning by authorised officers**

Melbourne– 21 February 2002

#### Members

Mr R. H. Bowden

Ms D. G. Hadden

Mr P. A. Katsambanis

Mr T. Languiller

Ms A. L. McCall

Mr R. E. Stensholt

Mr M. H. Thompson

Chairman: Mr M. H. Thompson  
Deputy Chairman: Ms D. G. Hadden

#### Staff

Executive Officer: Ms M. Mason

Research Officer: Ms K. Giles

#### Witnesses

Mr B. Mountford, Chief Executive;

Mr E. Windholz, General Counsel;

Ms D. Preston, Compliance Branch Manager; and

Ms S. Lagos, Director of Legal Services and Investigations, Victorian Workcover Authority.

## Necessary corrections to be notified to executive officer of committee

**The CHAIRMAN** — On behalf of the Victorian Parliament Law Reform Committee I take the opportunity to welcome you to the hearings this afternoon. As we discussed, we have a range of questions, we would like to put to you, but we welcome your introductory remarks.

**Mr MOUNTFORD** — If I set the scene, as a regulator of Victoria's workplace health and safety laws and as the state's workers compensation insurer, the Victorian Workcover Authority has been given a range of powers to allow it to carry out inspections and investigations. These powers are delegated to appointed inspectors under the occupational health and safety legislation and to investigators and authorised persons under the accident compensation legislation. Whilst there are some anomalies in the powers granted under the various acts, such as the lack of power to the seize original documents for copying, there are no immediate plans to seek amendments to the legislation.

Generally, the authority's inspectors and investigators are given powers of entry without a warrant. Occupational health and safety inspectors have powers to enter, to investigate or inquire, and inspect and examine any workplace rather than the specific power to search. Occupational health and safety inspectors, in the exercise of their power, can be accompanied by and assisted by any person such as police, technical experts or fire authorities. They can seize plant, equipment, substances or suspected dangerous goods for examination, testing or for use as evidence without execution of a warrant. In terms of questioning, an occupational health and safety inspector is authorised to take affidavits for any purpose relating to the exercise of their power or in performing the inspector's duties. Under both the Occupational Health and Safety Act and the Equipment Public Safety Act, the person is given the privilege against self-incrimination. An occupational health and safety inspector must carry and produce identification and take all reasonable steps to notify the employer and any health and safety representatives of their entries. The policies and procedures provide that upon conclusion of any inspection a written field report on the inspection is to be provided to both the employer representative and the health and safety representative.

The powers granted under the Accident Compensation Act allow investigators or authorised persons to obtain information, enter premises and copy documents without warrant. They also have powers to take affidavits. The investigators and authorised persons also have the power to search premises and to seize documents under warrant. Warrants obtained under the provisions of the Accident Compensation Act must be executed by a member of the Victoria Police accompanied by an investigator of the authority. All investigators carry and produce identification when exercising their powers. The authority has taken steps to ensure their operations, particularly those that affect both workers and employers are open and transparent.

I am not saying the authority has always been perfect, so some of the things we have done: We have, as I was explaining in another place today, begun the development of a centralised complaint management system. We have not had that centralised complaint management system in the organisation and that is something we are putting in place. We have centralised the health and safety investigation systems with a dedicated and highly trained group of inspectors. Investigations are not carried out by inspectors in the field but by a dedicated group of internal inspectors. For investigations we have a separate group, we don't just rely on our inspectors when we require investigation. That is so we can ensure we have the quality in that investigative work that we require. In rehabilitation and compensation side of the business, highly qualified former law enforcement officers, typically with extensive experience in the fraud area, have been recruited to that area, and we have recruited Eric as a general counsel to oversee the legal operations of the whole authority.

Outside the scope of this hearing the authority has also tightened its control over the operation of private investigators engaged by the authority. There is a tender process under way where we intend to appoint a new panel of private investigators governed by operating guidelines and high professional and ethical standards. We have recognised the fact that the issue of private investigators has not been reviewed until I think it was 1993 and so we have basically gone through a new tendering process to get greater control of the quality of the private investigators the authority uses and ensure the appropriate procedures are carried out there. These private investigators don't have any powers of entry, search, seizure or questioning.

I suppose overall what I would say is, as I said, we do have a variety of powers. We are not looking to change those powers; while at the margin people might say they could see ways to improve them, the reality is the powers are there really to do two things. On the health and safety side they are to enable our people to respond quickly and proactively to situations in workplaces which could result in injury to either the people in those workplaces or to the public; also to ensure the ability to undertake investigations where there has been an issue or where there is —

somebody has been injured for example, or killed. That is on that side of the operation.

On the rehabilitation and compensation side, really it is about maintaining, ensuring the financial integrity of the scheme, and that is to minimise the prospects of, for example, fraud that could take place either by employers in terms of premium or by claimants and that's really the basis of those powers.

**Mr BOWDEN** — I would like to ask you a few questions in relation to putting some consideration towards incorporating some additional protections into the existing legislation, and I guess it relates to authorised officers. I would really appreciate your views on the appropriateness of incorporating several of these points into the legislation, so these are suggestions to which I am inviting your comments, please. One would be a formal complaints mechanism about the — complaints about the conduct of inspectors or authorised officers

Another one would be could there be a practice of videotaping of searches or tape-recording of questioning? Another one would be comments about the wearing of uniforms and the standards of identification, and your views on that would be helpful. The itemising of material seized and providing owners and occupiers with a list so that this can be used by both sides of the process could be helpful.

The last one of that group would be a formal reporting process on the use of inspectors' powers, so what type of reporting exists for Parliament today? What could be suggested to improve that reporting on inspectors' powers to the Parliament for further legislative consideration.

There are two other quick questions: One is on consistency and the other one is on enforcement philosophy. The first one on consistent situate. The terms of reference require the committee to consider whether there should be a greater degree of consistency in the future development of powers. To what extent does the agency agree that there should be greater consistency in legislation concerning inspectors' powers. That could be powers with similar bodies, outside bodies, whatever. Your views would be helpful.

The last one is how would you describe the department's general approach to law enforcement? Is the legislation generally enforced strictly or do the inspectors use discretion? For example, do they regularly provide education and seek the cooperation of occupiers before they rely on their coercive powers, so is it a friendly but firm philosophical approach. There are a fair few questions, but a summary.

**Mr MOUNTFORD** — I will make a comment on a few of those and we would like to get back to you. On a formal complaints mechanism, as I said to you, we do get complaints, they come through me, Ministers and Members of Parliament, and we take them seriously. What we don't do enough of is actually make sure that we are monitoring them and really understanding what is driving them so we can actually fix them at the source. In terms of a formal complaints mechanism, I am not sure what we have in that respect. I would say to you that certainly something that is on our agenda this year as an organisation is really making sure that, as part of moving towards being more customer-oriented, we actually start off by knowing what are the things that are bugging customers about now. We will always have complaints, I suspect, and some will be legitimate and some won't.

On uniforms, we have actually with our Worksafe branding, moved to provide our staff with uniforms and we require on the health and safety side. We require them to wear those uniforms. The quid pro quo is that we say, 'Look, we have actually provided you with decent uniforms'. What they were provided before, they didn't wear, I don't blame them; they looked like Tobin Brothers. We have now given them more flexible, up-to-date uniforms and we do say we expect them to wear them. That is not fully complied with but it is much better complied with. All of them have to have their identification.

**Mr BOWDEN** — The video tapes?

**Mr MOUNTFORD** — Some of these I prefer rather than just comment off the cuff to come back to you. In terms of — the only other thing I would say or comment on is the question of inspectors' discretion. Historically if you look at what has happened with inspectors they have sort of been across the gamut. At times historically they have been pure black hats if you like, just enforcement, hit them with a notice or penalty and then move on, and then I think at other times they have been almost purely white hat consultants. I think in reality we wear grey hats, we do a bit of both, we have to enforce but we also are there to raise awareness and to assist people. We rely on the inspectors within the framework. Our job is to set the framework. We are trying to set the framework which says your task is to enforce the law, so where the people are not complying with the law we need to enforce it; you've got a responsibility to enforce it, but at the same time we expect you to use your judgment. I have been out myself with our people going into places, and, by and large, my impression is that I think our people do a pretty good job of basically making a judgment, but what they are there to do is to actually achieve a safer and healthier workplace.

What they have as a key tool to that is their ability to force some compliance and improvement, but they need to use their judgment as to how they are going to get the best outcome. I think in that respect they do have some discretion, and I think they need to frankly be in a position to exercise some discretion but historically the challenge for us is to put the bounds on that because we haven't got enough consistency, in my view, and that's about giving them very clear guidelines and the management of that field force so that they understand what our expectations are as to how they will operate in the field, and they are managed to that. So we have got some way to go there, but I think they need to use their discretion, but we need to ensure that within that discretion we have got reasonable consistency.

**Mr KATSAMBANIS** — Just on that, I think this morning itself was described as a constructive compliance framework or something like that.

**Mr MOUNTFORD** — Correct.

**Mr KATSAMBANIS** — We all understand the need for that flexibility and we understand that the inspectors must work with the people who they are inspecting to achieve outcomes. What are your key performance indicators in that flexible framework?

**Mr MOUNTFORD** — In terms of how do we measure what goes on in the field?

**Mr KATSAMBANIS** — I guess how do you measure the outcomes of your entire compliance-enforcement strategy?

**Mr MOUNTFORD** — Simple measure: The only measure is that we must see a reduction of incidents, so we look at other things but in the final analysis what we are looking for and what my board is looking for is to say are the number of injuries and deaths in workplaces in Victoria coming down? Because if they are not, then it doesn't matter a damn what we are doing, if we are not having an impact, then it is not working.

**Mr KATSAMBANIS** — Do you have a number?

**Mr MOUNTFORD** — A number that we want — — ?

**Mr KATSAMBANIS** — A magic number, do you want a 10 per cent reduction, a 25 per cent reduction, a 100 per cent reduction?

**Mr MOUNTFORD** — In our document strategy 2000 which I referred to, we put a stake in the ground of a 20 per cent reduction in 3 years. I have got to tell you right now, we are not reaching that yet. I would have to also say now with more knowledge of the system I think we need to refine that target, but what has happened is we have had an organisation which in a sense historically has been reluctant to accept accountability for outcomes because there have been too many other variables that could impact outcomes. So we have had a lot of debate about these people in the organisation who have said, '20 per cent reduction? That's ridiculous, you can't do it'. They may be right, but what we have moved from a position where people have said you can't target to one where we are debating what is an appropriate target, to my mind that's the key move. What people accept is that ultimately the accountability is to make a difference, a quantifiable difference which we can actually measure, and so that's where we are, and that's what we look at.

As I said, we revisit that. We will be basically developing business plans for next financial year in the course of the next few months and part of that will be to look and say what are the targets? But I have a target that the board looks to me to achieve and I very generously hand that target on to all of my colleagues so that we are all focused around making a difference to the outcomes.

**Mr KATSAMBANIS** — That scale of white to black, anecdotally and this is just anecdotal, the hat is becoming greyer in the last couple of years, that is the feedback that I get anyway. As a result of that, have the complaints coming into the authority about inspectors increased at all in the last couple of years?

**Mr MOUNTFORD** — I don't know, Peter, that is something we can take on notice and come back to you. As I said, my first question would be whether or not we can answer that question, because, as I have said to you, we have not been in a position to do that because we haven't had this centralised complaint register we are putting in place, but if I can answer your question I will get back to you with an answer.

**Mr LANGUILLER** — Just further clarification, if you may, Bill. With respect to the reduction of the number of injuries that can be achieved in a variety of ways. For example, if you change the definition of what

constitutes an injury you may well see a reduction of injuries. With respect, it does not necessarily reflect that there is a plan, that there is a strategy with respect to prevention of injury, safety, the role and work on the ground of inspectors, that there is a procedure in place with respect to following up complaints and so on and so forth. In order not to do your own presentation a disservice, I wonder if you might clarify the distinction between those and in what way do you intend to have a strategy and a plan with respect to the role of inspectors so they by way of preventing injuries and by way of carrying out the duties we can then effectively reduce the level of injuries that may not be distorted in the future by the suggestion that we changed the definition of injury, so that's how you have effectively reduced the figure.

**Mr MOUNTFORD** — Basically what we have done is really just apply a simple rule of focus, and that is we are focusing our resources on those industries which have the highest number of injuries, and those organisations, the focus 100 we call them, who have the highest, who are there because of A their size and B the rate of injury being above the industry average, so we focus on those 100 organisations. We also focus on sprains and strains, which is our biggest injury type. We are seeking to focus our resources where the problems are. I take your point, there is always concern about the fact that in the end we measure our outcomes on workers compensation data, and therefore at the margin there are some injuries and illnesses which don't get adequately reflected in there and it can also be manipulated by us, potentially, well not by us, by government, by changing the rule if you wanted to, but I would also say to you the reality is it is the best data in the world. Everybody else in the world either has workers compensation data which they use, or they don't have workers compensation data and they have virtually no data.

**Ms McCALL** — I would like to focus on the Occupational Health and Safety Act, the definition in there of the word workplace, which has changed dramatically from when the Occupational Health and Safety Act was written. There are an enormous amount now of home-based businesses, businesses run from home, so the definition of workplace has broadened. I am particularly interested in privacy. What is the right of the Workcover Authority to enter what is in fact a quasi-residential place as well as a workplace, so what I am looking at is what sort of number of those do you find? Do you actually find that you stumble upon a workplace that in fact is someone's home? How do you deal with it? And if you do come along with your full authority that you have under occupational health and safety, what happens if the member of the public says, 'Wait a minute. This is my home as well. you can't come in here, I won't let you in. I won't release documentation to you. Go away.'? I am putting it as bluntly as possible.

**Mr MOUNTFORD** — I will let Sia answer you specifically but from where I sit I would have a very big question about why we are in somebody's home anyway.

**Ms McCALL** — Agreed.

**Mr MOUNTFORD** — Because the question is it is not likely to be a big workplace and therefore with 200 000 workplaces around the place and 200— odd inspectors there would have to be a very good reason why we are in such a small workplace. There may be very good reasons at times.

**Ms McCALL** — It could be a sweatshop on top of a garage, you don't know.

**Mr KATSAMBANIS** — Or for premium purposes.

**Ms LAGOS** — This is focusing on health inspectors?

**Ms McCALL** — Yes.

**Ms LAGOS** — To pick up on the point Bill made, inspectors' activities are undertaken in two areas of activity. There is the program work which is driven through the data telling us that people are getting injured or killed at particular workplaces so people are running project work saying we need to go out and visit this number of employers. There is also the reactive work, we get anonymous or not anonymous complaints, something is going on we need an inspector, that is response work. The example you have given would not be picked up in the program, more likely in the response work as a complaint. Section 39 of the Occupational Health and Safety Act is the basis upon which an inspector would be entitled to enter that workplace. That provision says that an inspector may for the purposes of the Act or the legislation enter, inspect and examine at all reasonable times by day or night any workplace which the inspector considers necessary to enter, inspect and examine for that purpose. That is the precondition. You don't just turn up as you feel like it to put it loosely.

**Ms McCALL** — I was a personnel manager, I understand the act. The issue that I would have is the fact

that the marketplace or the workplace has shifted.

**Ms LAGOS** — Yes, it has become — —

**Ms McCALL** — You might say under section 39 this is a workplace and somebody says, ‘Wait a minute though, nobody is in it, it is actually my house, you are invading my privacy on the basis of section 39’.

**Ms LAGOS** — To the extent that it is a workplace as the definition says where any person is employed or a self— employed person works you are right; it does come under the definition of a workplace. I think the only thing I would say in response, and maybe it is something we can develop further, it would be for a purpose to do with health and safety that the inspector would be there; it is for no other purpose than the purpose of health and safety, so is it an issue affecting somebody else’s health and safety, that is the only issue. To the effect that it is affecting someone’s health and safety, you would have to equate what is the issue about that attendance.

**Ms McCALL** — I am just wondering when the information or the privacy act kicks in.

**Ms LAGOS** — It could arise.

**Mr KATSAMBANIS** — What if it is someone else’s home, your classic advertising campaign last year where there was a bloke on a ladder painting someone else’s home, it is one person’s workplace and a completely different person’s home. How do you balance those issues in practice? We can talk about the theory of it, but the practical aspects of marching into my house because you suspect based on a report from a neighbour next door that the guy that I have engaged to paint my guttering has got an unsafe scaffold?

**Mr MOUNTFORD** — One of the things is that all of our inspectors when they join the organisation have been to 14 weeks training, and in that training we do take very seriously making sure they understand their powers and the limits of those powers and how they should discharge those, because yes, it is important that that occur. Again I would say — and I am not trying to be defensive here at all — I have gone out with our people. I think we are actually recruiting better people and I think it is one of the great challenges for us as an organisation. The quality of our inspectors, we have to keep lifting the bar. What we really need is for these people to have high credibility so that when they go into a workplace, it could be a construction site and we do go into these all the time, where you’ve got a new place being built up, again if it is a renovation, I would say I am not quite sure why we are there, but if we are, that our people conduct themselves with credibility. We do try to reinforce that. One of the other things we are doing is seeking to improve the frontline management. I would say one of the problems with inspectors in the past is that there really hasn’t been enough effective management of them, so you could think of them really as a field force, they could be a sales force or a service force for an organisation. What you need to have is good front line management that is actually mentoring them, performance managing them. We frankly have not had that in place. We still have not got that adequately in place, but one of the other things we are doing is moving towards creating a front line management position, and with that a clear expectation of them and their job is to manage these people and ensure we get greater consistency in the way they operate.

The other thing we are doing right now is also rolling right through the organisation performance management. And I mentioned the thing about targets. Again, we have not had adequate performance management. It has been very subjective, it has not been taken seriously. I think performance management which is objective is very important in addressing these issues so people know what is expected and they also know the consequences of not meeting that. That is my view.

**Ms McCALL** — Can I supplement — and I understand exactly what you are saying, it is reasonable grounds and all those things. In other acts of Parliament if you go into arrest you require a search warrant and the police, for example, would argue no, if they have reasonable grounds off they go. If you had reason to believe you were visiting a workplace that was also a place of residence, how receptive would you be to the fact that in this instance that is when you need a search warrant, because you then would protect yourselves against those issues of invasion of privilege, refusal to handover documents, et cetera?

**Ms LAGOS** — I think Bill’s differential of our investigators versus our inspectors might in part respond to your question. If we are dealing with an inspector say responding to a complaint, which I said to you if this was to ever come up — which it has not to our knowledge.

**Ms McCALL** — You can bet now we have said it it will.

**Mr MOUNTFORD** — You have put the mozz on us.

**Ms LAGOS** — It would be someone saying, ‘I am an inspector appointed under the legislation and I am here in response to a complaint that someone is working on your roof in an unsafe manner’. That is really the issue to which they would be directed, to determine whether or not there is an activity taking place that is giving rise to injury or death or not in accordance with the legislation.

**Ms McCALL** — That is right.

**Ms LAGOS** — If the person in that instance said, ‘This is my private home, you are not entitled to come here’, I am confident that there would be some negotiated outcome in those sorts of circumstances to the extent of the person saying, ‘I am only interested in this specific thing that you don’t have a contractor up on a roof who is going to tumble 5 metres because there is no perimeter protection’. The inspector wouldn’t be there intending to seize, search, anything of that nature of that activity that requires a search warrant. If an investigator was there to conduct an investigation, which is a far more formal process, they are also given exactly the same powers under the legislation, because they are all appointed inspectors. If they are seeking documents it is done under section 39 and they issue a section 39 notice, so it is a prepared written document saying I am an inspector appointed under the Occupational Health and Safety Act and require production of these documents, this is how it is done — serve the notice and say, ‘I require this to be complied with within 14 days’.

**Ms McCALL** — No problem with that. I am just going back to if there is the duality of the purpose of the building and you are required to produce a search warrant to enter, then I could argue — and I am not a lawyer — I would argue therefore if I am the owner of the property who is also conducting a business, even if you produced a section 39, I would say, ‘No, this is also my home. I want a search warrant before you walk across the threshold’.

**Mr MOUNTFORD** — I reckon we should come back to you on this. This is a good point — let us give some consideration to it and come back to you.

**Mr KATSAMBANIS** — You mentioned training, 14 weeks. Who prepares the course and who conducts it and is it a roll-up, attend for 14 weeks and away you go course, or is there some sort of assessment and requirement to pass to a certain level before you are authorised to go out in the field and act?

**Mr LANGUILLER** — If I may supplement, who are the inspectors prior to doing the course?

**Mr KATSAMBANIS** — What are their qualifications?

**Ms LAGOS** — The course is really an induction course. In terms of recruitment and who are sought, the persons who are suitable, traditionally it has been people within industry-specific knowledge, that is people who have been boiler and pressure vessel inspectors or fitter and turner-type people. More recently it has been people who have an understanding of occupational health and safety, work systems and practices, and we are particularly emphasising diploma courses and those sorts of tertiary type qualifications and I know that has been something that has been very significantly highlighted. Once they are recruited they are required to undergo compulsory 12-week induction training, which is all about taking them through legislation, taking them through practical examples, they are required to go out into the field with inspectors and do inspections. There is practical as well as theoretical training. It is given by people who specialise in providing this training. We have used both in-house and external providers to provide specific things. For instance, we had the thin blue line people who are police trainers come in and train people up on negotiation, mediation, how to deal with confrontation, which is something that we have really recognised has to be far better emphasised, and it has been very effective in our training. Does that satisfy you?

**Mr MOUNTFORD** — We could always improve our training. I reckon we do more training than we have done in the past. Most of it is given by our people, I think. There is a requirement to get through it, but as Sia said, one of the things that I think is pleasing is that when you look at the last few waves of inspectors that come through and the graduation and when I talk to them the quality of the people we are getting through is improving and it is good. It is people who are health and safety managers in organisations or ergonomists. Sometimes I am just bloody amazed frankly, but they are people who have a commitment to the area and who are increasingly knowledgeable.

**Ms HADDEN** — Because of the time and the number of questions I have got I might put you on notice. My question is on the compensation act, firstly on selection, training and authorisation. Section 240(1) gives a person authorised by the authority certain powers to enter and inspect premises at any reasonable time. The question is how are inspectors selected, trained and authorised under that act? Secondly, other assistance. Under that, section 240(1) allows authorised persons to enter with an interpreter or such other assistance as the person

requires. Do inspectors frequently enter premises with interpreters? How are they trained to deal with individuals from non-English-speaking backgrounds and people with intellectual disabilities in the workplace; does the phrase such other assistance include assistance from the police? Who determines the category and qualification of that other person to assist? When do police accompany inspectors? For example, is police attendance more frequent when inspectors are executing such warrants pursuant to section 240A?

The third matter is to do with relevance. Section 240A(c) allows authorised persons to take possession of or secure against interference any books they appear to be so relevant. It has been suggested that inspections of this nature can sometimes amount to fishing expeditions, so how does the authority ensure that only relevant books are seized and how are such books to be described in the search warrant and what happens if the books are taken which are later found not to be relevant?

**The CHAIRMAN** — If you are able to take those questions on notice that would be useful. If you have any succinct remarks you would like to make briefly for the record you are welcome to.

**Ms PRESTON** — We will get back to you on all of those issues. First of all the main power used is the power under section 239. In terms of the practical use of the power, as you can see from that power it is by way of a notice in writing to the person concerned inviting them to furnish us with information.

We do use section 240 if we believe there is a contravention of the act and certainly, as you've said, if we require the assistance of interpreters. We use interpreters a lot. We use the interpreter service on the telephone when we are talking to various people. You are right, we can use their assistance when we are exercising that power under 240 as we can the assistance of many other agencies, including the police.

With respect to your reference to section 240A, that is a power that we would use when we believe there is going to be non-compliance pursuant to section 239 and non-compliance with respect to 240 and we use that quite clearly such that the police can assist us in seizing books and other documents that we require where an offence is contemplated; in other words, when we are considering investigating in a criminal way, to get a warrant. Of course we have to go before a judicial officer and the police and the investigators from the Authority are named. To that end we see that as the greatest protection in relation to any notions of fishing expeditions. Quite clearly, you've recognised that, but I haven't come across that: Quite clearly with the police there it mitigates against any abuse of that particular provision.

I am not quite sure of the other areas that you wanted me to go into, but in particular with training, the training of the investigators within the accident compensation side of the authority, there are about 21 investigators. Most of them have been recruited from the police force. The manager investigations was until 12 months ago the regional detective inspector of Victoria Police and a chief inspector of the NCA. He joined us in September 2000. Those investigators who are not highly trained former police officers are trained internally by the authority and they go to such areas as the major fraud group where they get a certificate. Do you want me to stop?

**The CHAIRMAN** — Diane, at that point I think noting occupational health and safety and the needs of our staff and other responsibilities we will round it off at that point, but thank you very much for attending this afternoon and giving us broad answers. There is one other question.

**Mr LANGUILLER** — There is one other question which I am happy for you to come back to us on. You relate to the protocols and lack of cooperation between various agencies and I will give you two examples. One, one of your inspectors walks into a building site and identifies something in the corner which does not happen to be a flower but it happens to be potentially cocaine. What protocols are there for your inspectors to report to other agencies? For example, you are called upon to inspect an outworker's place which relates to previous issues raised by my colleagues relating to residential properties and that inspector identifies there is child labour taking place. What protocol is there, formalities, for your inspector to properly inform the Department of Human Services and other relevant departments? Levels of cooperation, any protocols that exist? Are your inspectors aware that perhaps in the line of duty they have to provide any relevant information to other agencies in areas which may not come under the occupational health and safety legislation?

**Mr MOUNTFORD** — A good question. We will come back to you on that.

**The witnesses withdrew.**

**Committee adjourned.**