Answer received from WorkSafe Victoria (Victorian Government); 13 May 2019.

Question taken on notice at a public hearing in Melbourne on 28 August 2018 (page 53 of Hansard transcript):

Senator O'NEILL: *One of the conversations that we have had in the course of the day is the differentiation with regard to loss of life as a traffic accident on the road and the nature of investigation of loss of life in the workplace. Dr Sutton indicated that, in the WorkSafe processes, the crime is an uncontrolled risk and the death of a person is merely a factor in the management of that risk. That changes the nature of the investigation that is undertaken. In evidence today, Dr Lana Cormie raised concerns about an issue that is live at the moment—and I refer to this not for a particular response but for a more general response—and that is that, because of the stretch resources in that case, ostensibly to provide for public safety, section 21 was used to get a site filled in where a trench had collapsed rather than sealing it off as a crime scene for investigation. What is your view of the competing needs of primacy of investigation into the loss of life on a jobsite and a safety decision to make a place safe and, at that time, putting at risk the investigation into the death of a person in the workplace? To me, they look like they are competing.*

Mr Fowler: *We need to tread carefully because we may be getting into some areas of investigation here. Obviously, where investigators attend a site, they are looking for potential breaches of the OHS Act. But there are also inspectors there who have a duty to make the site safe as well. Non-disturbance notices can be issued so that the site is preserved so that evidence can be obtained and whatever. But the overarching consideration—*

Senator O'NEILL: *Could you take on notice how many times that has occurred in the incidents that you are referring to over the last five years.*

Answer:

Non-Disturbance notices issued

1 July 2013 - 30 April 2019, as at 3 May 2019

Year	Non-Disturbance Notices
2013/14	58
2014/15	35
2015/16	62
2016/17	41
2017/18	50
2018/19 YTD	84
Total	**330**