

**Senate Standing Committee on Environment, Communications and the Arts
Legislation Committee**

Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 2

Topic: Federal Safety Commissioner

Hansard Page ECA:

Senator FISHER asked:

Is it normal for programs funded by the Commonwealth to be scrutinised upfront from a safety perspective by the Office of the Federal Safety Commissioner?

Answer/s:

The Department did not consult with the Office Federal Safety Commissioner within the Department of Education, Employment and Workplace Relations in the design or implementation of the Home Insulation Program as the Program does not come under their jurisdiction.

The FSC's administrative oversight relates to building and construction projects where the Commonwealth is the client.

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**Senate Standing Committee on Environment, Communications and the Arts
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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 3

Topic: Federal Safety Commissioner

Hansard Page ECA:

Senator FISHER asked:

What occurred in respect of any communication between your department or indeed the Department of Employment and Workplace Relations and the office of Federal Safety Commissioner?

Answer/s:

The Department did not consult with the Office Federal Safety Commissioner within the Department of Education, Employment and Workplace Relations in the design or implementation of the Home Insulation Program as the Program does not come under their jurisdiction.

The FSC's administrative oversight relates to building and construction projects where the Commonwealth is the client.

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February 2010

Question No: 4

Topic: Minter Ellison documents

Hansard Page ECA:

Senator FISHER asked:

Is there any other documentation that came to the department from Minter Ellison on or around 9 April, other than this 20-page document and the risk assessment?

Answers:

Yes. A covering email and the risk register (supplied separately to the Committee) were provided by Minter Ellison to the Department on 9 April along with the risk plan (tabled in Parliament on 19 February).

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Marconi, Juliana Marconi

From: Margaret Coaldrake [Margaret.Coaldrake@minterellison.com]
Sent: Thursday, 9 April 2009 2:54 PM
To: Kaminski, Sascha
Cc: Kimber, William; Riordan, Beth; Marconi, Juliana Marconi; chalmers@netspeed.com.au
Subject: RESENT: Risk Register and RMP at 2.00 pm 9 April 2009 [SEC=UNCLASSIFIED]
Attachments: DEWHA HIP Risk Register 2.00 pm 9 April 2009.XLS

Resending - this version is fitted to A3 pages for easier printing

Hi Sascha
 I attach the up to date Risk Register and Risk Management Plan incorporating all amendments to date. You will now be able to incorporate this as Appendix B to the Project Plan and circulate to all concerned.

Happy Easter!!

Margaret

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14/04/2009

**Senate Standing Committee on Environment, Communications and the Arts
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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 5

Topic: Minter Ellison risk assessment

Hansard Page ECA:

Senator FISHER asked:

Did the Minister ever ask to see it (the Minter Ellison risk report) earlier?

Answers:

The Department has no record of the Minister requesting the Minter Ellison documents..

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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 6

Topic: Minter Ellison Risk Register

Hansard Page ECA:

Senator BIRMINGHAM asked:

Can you provided the Committee with a copy of that (risk register) today please?

Answer/s:

Risk register provided to the Committee 22 February 2010.

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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 7

Topic: Briefings to Minister

Hansard Page ECA:

Senator BIRMINGHAM asked:

Are you able to table a copy of that advice (to the Minister that mentioned the Minter Ellison risk report)?

Answer/s:

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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 8
Topic: Cost of MinterEllison
Hansard Page ECA:

Senator BIRMINGHAM asked:

How much has MinterEllison been paid for their consultancy work?

Answer:

The cost to the department of the risk management report, including the risk plan and the risk register, from Minter Ellison Consulting was \$28,985. This information was provided to the Committee on 22 February 2010.

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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 9

Topic: Briefings to Minister

Hansard Page ECA:

Senator BIRMINGHAM asked:

In conducting the search of records of what was provided to the Minister, has the Department compiled a log of all briefings that were provided to the Minister? Are you able to provide that to the Committee?

Answer:

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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 10

Topic: Briefings to Minister

Hansard Page ECA:

Senator BIRMINGHAM asked:

Could you confirm that none of the briefings made references to the Minter Ellison report and tell us whether any of them quoted from the Minter Ellison report at all?

Answer:

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Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 11

Topic: Briefings to Minister

Hansard Page ECA:

Senator BIRMINGHAM asked:

In terms of your log of records and briefings, how many written briefings on this program were provided to the Minister?

Answer:

The Department's records show that to 15 February, 65 briefings were provided to the Minister's Office on the Home Insulation Program.

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Question No: 13

Topic: OH&S

Hansard Page ECA:

Senator WORTLEY asked:

My understanding is that there are no OH&S requirements specific to the insulation installation industry but the relevant OH&S and workplace health and safety legislation applies just as well?

Answer:

- All installers registered under the Home Insulation Program are required to follow all state and territory laws and regulations including occupational health and safety laws in installing ceiling insulation as they do in other trade and building activities.
- State and Territory Governments have responsibility for administering Occupational Health and Safety legislation in each jurisdiction. Arrangements differ in each jurisdiction, and relevant agencies such as work safe agencies, electrical safety and justice agencies are involved.
- Under relevant state and territory laws employers and employees have various responsibilities to ensure the safety of workplaces. For example, in Queensland employers have a duty of care to provide safe working environment, safe systems of work, safe plant and equipment, and supervision commensurate with the skills and experience of employees, and sub-contractors.
- To participate in the Program it is mandatory that installers have proof that they carry either the Workcover approved White Card or its equivalent Work Safely in the Construction Industry (CPCCOHS1001A). This is an industry recognised standard for any person working in the construction industry. Installers must also meet the minimum competency standards or have experience in relation to the installation of insulation. Competent supervision standards also apply.
- The training program developed specifically for HIP had a strong focus on OH&S and was developed by the relevant Industry Skills Council, in cooperation with industry, electrical regulators, the electrical associations, and unions.

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February 2010

Question No: 14

Topic: Communications with the bereaved

Hansard Page ECA:

Senator BARNETT asked:

a) Has the Department or the Minister offered an apology or expressed remorse to those families affected and have you had direct communications with those families and also with the families affected by the house fires?

b) Has the Department either sought or received legal advice with respect to the legal liability that may or may not flow to either the department or the Minister in relation to both matters?

Answer:

a) In her opening statement to the Senate Inquiry on 22 February 2010, the Secretary publicly acknowledged the families of the young men who have died in the installation business in the last six to 12 months and expressed her sympathy and regret to those families.

b) ON ADVICE

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Inquiry into the Energy Efficiency Homes Package

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Question No: 15

Topic: Legal Advice

Hansard Page ECA:

Senator BARNETT asked:

When did you seek it (legal advice) and when did you obtain it? Did it relate to the deaths or did it relate to the house fires, or both? And may we have a copy?

Answer:

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Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 16

Topic: Legal Advice

Hansard Page ECA:

Senator BARNETT asked:

But have you sought or received legal advice with respect to the four deaths or the house fires, the liability of the Department or the Minister?

Answer:

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Inquiry into the Energy Efficiency Homes Package

February 2010

Question No: 17

Topic: Number of registered installers

Hansard Page ECA:

Senator BARNETT asked:

The number of registered installers

Answer:

The number of registered installer businesses upon closure of the Home Insulation Program on 19 February 2010 that provided Mandatory and Training competencies for all employees was 2449.

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Question No: 18

Topic: Training places

Hansard Page ECA:

Senator BARNETT asked:

On what basis did Senator Arbib make the decision to make available 2,000 training places when you have approximately 14,000, or a very large number, in the workforce? Why only 2,000? On what basis was that decision made?

Answer:

The Department is unable to answer this question. It should be directed to either Senator Arbib or his department.

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Answers to questions on notice

Inquiry into the Energy Efficiency Homes Package

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Question No: 20
Topic: Auditors
Hansard Page ECA:

Senator MILNE asked:

I want to know exactly what you were auditing and how many people were auditing it from 1 July (2009)

Answer:

From 1 July 2009 Protiviti Pty Limited, the department's internal auditor, provided interim auditing services for the Home Insulation Program pending the procurement of a dedicated provider. Protiviti was responsible for auditing, installer registrations and insurance certificates for installers. Internal departmental staff were also providing some auditing activities including audits of Australian Business Numbers (ABNs) provided by installers. Between Protiviti and DEWHA there were 8 staff auditing registrations, insurance and ABN numbers.

In August 2009 the following audit activities commenced:

- desk top audits
- roof inspections, and
- letters sent to all householders to check that roof inspections have occurred.

This work was undertaken by a mixture of departmental staff, Medicare staff and privately contracted people and the number of people involved at this time are not available.

On 29 September 2009, the Department signed a contract with PriceWaterhouseCoopers (PWC) for HIP audit and compliance services. Audit and compliance services provided by PWC to support internal compliance and audit activities were:

- roof inspections
- desk top audits
- data analytics and reporting, and
- compliance methodology and governance documentation/support e.g. Compliance and Audit Framework, Compliance and Audit Plan.

Audit activities continued to change from this period and again estimates of the number of people involved changed accordingly, for example:

- In October 2009 PWC ramped up roof inspections from the original sample size estimates to reach 1,000 per week by the end of October to achieve total of 11,000 by Christmas.

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- On 5 November 2009 negotiations commenced for PWC to undertake electrical safety inspections of foil insulation under the program in Queensland, starting at 10 per cent of installations. On 11 November 2009 United Group Ltd (UGL) was sub-contracted by PWC to deliver the foil electrical safety roof inspections.

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February 2010

Question No: 25
Topic: Auditors
Hansard Page ECA:

Senator BIRMINGHAM asked:

Were any Ministerial staff from any Minister's office or parliamentary secretary's office or the Prime Minister's office provided with copies of either of the Minter Ellison reports before 11 February this year.

Answer:

The Department only interacts with our portfolio Ministers office's (in this case Minister Garrett).

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