

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2013-2014**

**Agency - Comcare**

**DEEWR Question No. EW0078\_14**

**Senator Xenophon provided in writing.**

**Question**

**Government contractors or subcontractors**

1. What oversight does Comcare have of government contractors or subcontractors?
2. Does Comcare conduct audits of the work practices of these contractors?
3. Do these audits take place with or without notice?
4. How many inspectors does Comcare have to cover these contractors?
5. What is the investigator to contractor ratio?
6. Does Comcare have specific investigators with expertise in asbestos?
7. What kind of training to inspectors receive?
8. How often to audits take place?
9. Have any of these audits turned up concerns in relation to workplace safety issues and asbestos?

**Answer**

*Comcare has provided the following response.*

1. *What oversight does Comcare have of government contractors or subcontractors?*

Under the *Work Health and Safety Act 2011* (WHS Act) a worker includes a contractor or subcontractor who carries out work in any capacity for a person conducting a business or undertaking (PCBU), where that PCBU is the Commonwealth, a public authority, or a non-Commonwealth licensee.

The WHS Act establishes the functions and powers of the regulator. These functions are wide ranging and include enforcing and monitoring compliance with the WHS Act. To the extent that a worker or PCBU has duties under the WHS Act, Comcare may exercise its functions and powers.

2. *Does Comcare conduct audits of the work practices of these contractors?*

Comcare conducts Work Health and Safety (WHS) Management System audits of Commonwealth PCBUs only. PCBUs are responsible for ensuring work health and safety responsibilities are met down the contracting line.

3. *Do these audits take place with or without notice?*

WHS Management System audits are undertaken with notice.

4. *How many inspectors does Comcare have to cover these contractors?*

As at 24 October 2013, Comcare employed 50 inspectors for the Commonwealth jurisdiction.

5. *What is the investigator to contractor ratio?*

Comcare inspectors are not directly responsible for contractors; it is not possible to provide a ratio.

6. *Does Comcare have specific investigators with expertise in asbestos?*

All inspectors have or are in the process of receiving asbestos training.

7. *What kind of training do inspectors receive?*

The minimum qualifications required of Comcare inspectors are a Diploma of Government (Workplace Inspection) and a Certificate IV in Government (Investigation).

8. *How often do audits take place?*

For Commonwealth PCBUs (who may or may not be contractors), WHS Management System audits are conducted through a risk based approach.

9. *Have any of these audits turned up concerns in relation to workplace safety issues and asbestos?*

Yes. An audit of a management system will commonly find non-conformance. Any non-conformances, identified through an audit are rectified through a corrective action plan.