

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017**

#### **Outcome 1 - Employment**

**Department of Employment Question No. EMSQ16-001075**

**Senator Marshall provided in writing.**

#### **Question**

##### **Work for the Dole Incident - Report**

- Why hasn't the Department report into the death been released?
- When did the Minister receive the departmental report?
- What directions has the Turnbull Government given to the Department about workplace health and safety oversight since the report was completed?
- What directions has the Department given all employment service providers about workplace health and safety regarding the findings of the report?
- Has the Turnbull Government asked the Department to issue any directions to employment service providers since the report was handed to them?

#### **Answer**

The Department's review considered Neato Employment Services' (Neato's) approach to management of Work for the Dole and the Department's monitoring of the provider's Deed, arising out of the incident where a Work for the Dole participant died at the Toowoomba Showground on 19 April 2016. Workplace Health and Safety Queensland (WHSQ) is investigating the incident itself. The Department is fully cooperating with WHSQ and through that cooperation it is apparent that WHSQ's investigations may cover matters that are also the subject of the Department's report.

In those circumstances the Department considers that it would not be prudent for the Department to release its report before WHSQ has completed its investigations. The Department will consider its release once WHSQ's investigation is finalised.

The Minister was provided a copy of the Department's review on 2 September 2016.

The Minister has been clear in her discussions with the Department that work health and safety is a priority in Work for the Dole.

The Department informed the Minister's office of the incident on the afternoon of 19 April 2016 and kept them updated over subsequent days. Assurance was sought by the office of the action taken at the time of the incident regarding first aid and emergency services, and that job seekers in the vicinity had been offered appropriate counselling and were being assisted by their jobactive providers. Information on the Work for the Dole activity at the Toowoomba Showground and the incident were also provided as was information about how an individual could raise concerns regarding an activity.

The Department was instructed by the Minister to keep her informed of matters relating to the incident, progress with its review and the investigation at the Toowoomba Showgrounds. In addition, the Department was required to ensure that any activities hosted by the Toowoomba Showgrounds were suspended indefinitely. Similar outdoor activities managed

by Neato were also suspended at the request of the Minister. An audit of Neato's Work for the Dole activities was brought forward at the Minister's direction and informed the Department's review of Neato's management of Work for the Dole.

As requested, the Department has kept the Minister informed of the status of the Department's review and related matters, notwithstanding the caretaker period in mid-2016, directly and through regular meetings with her office.

The Department briefed the Minister in September 2016 on the outcome of the review and has provided updates on actions taken subsequently by the Department and in relation to Neato.

From the outset, there has been and continues to be a rigorous approach to work health and safety in Work for the Dole under jobactive. The work health and safety obligations which apply in the workplace apply to Work for the Dole activities. Having set that as the yardstick since the beginning, there is also ongoing emphasis on practice improvement in managing Work for the Dole activities.

The requirement to ensure a safe system of work at all activities has been in place since the start of the program with the details included in the *Request for Tender for Employment Services 2015-2020*, the *jobactive Deed 2015-2020* and *jobactive Deed 2015-2020 – Work for the Dole Coordinator* (the Deeds) and the relevant Guideline.

Providers must ensure that the requirements of all relevant work health and safety laws are met and that the host organisation complies with their statutory work health and safety obligations in their jurisdiction. A breach of work health and safety obligations can result in the application of various contractual remedies, including suspension or termination of the activity.

The Minister took an active role in regards to Neato and more broadly instructed the Department to remind all providers about the importance of work health and safety requirements and the obligations established by the Deeds and Guideline. This was undertaken through written advice to Chief Executive Officers and in State-based jobactive meetings. In addition the Work for the Dole Guideline was updated to reinforce requirements around the risk assessment (Place) and the reporting and management of incidents.

In addition and as part of ongoing contract management and assurance activities the Department has:

- written to all jobactive providers and Work for the Dole Coordinators in August 2016 again providing them with information in relation to work health and safety requirements and requesting advice on their Competent Person arrangements, as well as identifying the results of Ernst and Young onsite audits;
- held work health and safety discussions with providers and Work for the Dole Coordinators; and
- expanded and more clearly articulated its internal arrangements for monitoring, investigating and following-up incidents.