

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE16/113) - ComCare - Internal Product (DIBP)

Senator Carr, Kim (L&CA) asked:

In relation to ComCare:

How many incident notifications to Comcare were made in the last financial year?

Were any of these notifications related to deaths at the workplace?

What were the circumstances of these deaths?

On which worksites did these deaths occur?

What investigations have been undertaken into the deaths?

Was DIBP found to have contributed to the cause of the deaths?

What penalties did DIBP face in relation to these deaths?

What actions did DIBP take to address safety concerns and prevent further death or injury?

Was compensation was paid to any party as a result death?

What were the circumstances that resulted in notification to Comcare?

Did the DIBP exchange correspondence with Comcare about these cases? Please provide copies.

On average, how many workplace health and safety matters are raised each month at meetings between the DIBP and Comcare?

How many improvement notices were issued to the DIBP?

There was a significant decrease in the overall incident reports from last financial year, what is the reason for that decrease?

Do DIBP make incident reports to ComCare regarding Regional Processing Centres (RPCs)?

Who is covered by reports made to ComCare regarding incidents in RPCs?

Has DIBP issued an instruction that asylum seekers and refugees in RPCs always be addressed by their name, in writing or orally and do you ever refer to them by a reference number?

Has DIBP established and implemented a procedure by which to assess and monitor the psychological health of each asylum seeker or refugee in a RPC and when was that procedure first implemented?

The Work Health and Safety Act makes reference to a duty of care for workers and other persons, what is your definition of other persons?

Do you consider RPCs to be Australian worksites, meaning DIBP staff and contractors are covered under Australia Work Health and safety laws?

Answer:

Notifiable Deaths

How many incident notifications to Comcare were made in the last financial year?

Refer to the Department's 2015–16 Annual Report.

Were any of these notifications related to deaths at the workplace?

Refer to the Department's Annual Report. Only three incidents were deaths that occurred in a departmental workplace.

What were the circumstances of these deaths? On which worksites did these deaths occur? What investigations have been undertaken into the deaths?

Refer to SE16/050.

Was DIBP found to have contributed to the cause of the deaths?

To date, the Department has not been found to have contributed to the cause of death in any of the seven incidents.

What penalties did DIBP face in relation to these deaths?

None

What actions did DIBP take to address safety concerns and prevent further death or injury?

Refer to SE16/050.

Was compensation was paid to any party as a result death?

No.

What were the circumstances that resulted in notification to Comcare?

Refer to SE16/050.

Did the DIBP exchange correspondence with Comcare about these cases? Please provide copies.

The Department exchanges correspondence with Comcare in relation to all cases. To produce all such correspondence would require a significant diversion of resources and agreement from Comcare prior to release.

Improvement Notices

On average, how many workplace health and safety matters are raised each month at meetings between the DIBP and Comcare?

The Department does not have regular meetings with Comcare for the purpose of raising health and safety issues.

How many improvement notices were issued to the DIBP?

Refer to SE16/051.

There was a significant decrease in the overall incident reports from last financial year, what is the reason for that decrease?

The significant decrease in overall incident reports from last financial year is due to the concentrated effort made by the Department during 2015–16 to improve incident reporting processes which enables more accurate assessment and classification of incidents. This resulted in a reduction in the number of incidents required to be notified to Comcare.

Regional Processing Centres

Do DIBP make incident reports to ComCare regarding Regional Processing Centres (RPCs)?

Yes. Incidents that occur at Regional Processing Centres (RPC)s are reported to Comcare where they met the criteria set out in s 38 of the *Work Health and Safety Act 2011 (Cth)* (WHS Act).

Who is covered by reports made to ComCare regarding incidents in RPCs?

The persons 'covered by' the notifiable incidents are a function of the circumstances of the incident and its causal connection to the Department's undertaking.

Has DIBP issued an instruction that asylum seekers and refugees in RPCs always be addressed by their name, in writing or orally and do you ever refer to them by a reference number?

The Department requires the use of names as the primary identifier.

Has DIBP established and implemented a procedure by which to assess and monitor the psychological health of each asylum seeker or refugee in a RPC and when was that procedure first implemented?

Procedures were established in 2013 to assess and monitor psychological health. The Department continues to support the governments of Nauru and PNG in working with the contracted Health Services Provider to enhance the provision of mental health services to transferees and refugees in Nauru and PNG.

The Work Health and Safety Act makes reference to a duty of care for workers and other persons, what is your definition of other persons?

The Department takes the view that 'other persons' may cover transferees and non-departmental employees or contractors engaged by the Department's services providers.

Do you consider RPCs to be Australian worksites; meaning DIBP staff and contractors are covered under Australia Work Health and safety laws?

RPCs are not 'Australian worksites'. The Department considers that the WHS Act applies to its undertaking at RPCs to require it to ensure so far as is reasonably practicable the health and safety of its employees while working at the RPCs. The Department considers that the WHS Act has limited if any application to its undertaking at RPCs insofar as the health and safety of contractors is concerned.