

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2003-2004 SUPPLEMENTARY BUDGET ESTIMATES HEARING
6 NOVEMBER 2003**

COMCARE

QUESTIONS ON NOTICE

Question Number: W178-04

Question:

Senator Carr asked in *writing*:

Please provide copies of all of the complaints, correspondence and investigation reports in relation to the asbestos contamination to the Committee.

Answer:

There is an open investigation into this matter and we are unable to disclose documents created or obtained as part of that investigation as this would be contrary to the public interest. Further, as the investigation has not been completed and the investigator is still considering and collecting evidence, a preliminary report has yet to be prepared. Consequently, the release of the documentation created/obtained during the investigation might prejudice that investigation. This decision is made on the following grounds:

- the requested material comprises internal working documents and those documents may not represent the position arrived at in a final report of the investigation;
- disclosure of tentative findings or criticisms could unfairly prejudice the position of individuals and could lead to confusion or ill informed speculation and unnecessary debate in the public arena as to why matters were not later included in the final report; and
- disclosure of the requested material could adversely affect Comcare's ability to carry out investigations under the *Occupational Health and Safety (Commonwealth Employment) Act 1991* in an effective way.

Copies of complaints and correspondence into this matter that occurred prior to the commencement of the investigation on 3 July 2003, are attached.