

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

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

COMCARE

QUESTIONS ON NOTICE

Question Number: W180-04

Question:

Senator Carr asked in *writing*:

If Comcare had not taken such action, would it have had to report the Gallery to Parliament under section 65 of the OH&S (CE) Act?

Answer:

If Comcare had not established the steering committee to oversee the implementation of the Wray investigation recommendations, it would not necessarily have had to prepare a report and give it to the Minister. The provisions of section 65 of the Act are discretionary and provide that, on advice from Comcare, the Safety Rehabilitation and Compensation Commission may, if it believes the action taken or proposed to be taken by an employer in response to an investigation was not adequate, or taken within a reasonable time, prepare and give to the Minister a report to this effect.

Comcare did not consider that action under s65 was necessary.