

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

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

COMCARE

QUESTIONS ON NOTICE

Question Number: W183-04

Question:

Senator Carr asked in *writing*:

Have you received complaints from NGA staff members about the policy of the Wray Inquiry Steering Committee that Comcare inspectors, to whom OHS complaints are made, refer the complainants directly back to their NGA managers?

Answer:

The reporting of OHS issues to managers and supervisors is normal practice for achieving a safe and healthy workplace. Managers and supervisors have responsibility for assisting their employer to meet its duty of care. Further to this, the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act) provides a framework to foster a cooperative and consultative relationship between employers and their employees on the health and safety of employees at work. The Act primarily does this by setting out the means for selecting and training health and safety representatives and the establishment of occupational health and safety committees. This framework of cooperation and consultation is consolidated in an organisation's OHS policy and OHS agreement which outlines the process for achieving a safe and healthy workplace. The policy of the Steering Committee to refer OHS complaints made to Comcare back to the NGA reinforces the consultation processes established by the Act. It also seeks to put the arrangements in the NGA on the same basis as that which operates in other organisations in the Commonwealth jurisdiction.

No complaints have been received from NGA employees regarding the process of Comcare referring back to the NGA in the first instance, any OHS matters raised directly with Comcare. However, one NGA employee expressed reluctance to refer an OHS complaint back to his supervisor when advised by Comcare of this process in a telephone conversation with Comcare on 28 August 2003. After discussion with Comcare, the employee agreed that he would pursue the matter with his supervisor. Comcare is aware that the matter has since been resolved.