

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

## **INQUIRY INTO WORKSAFE**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 27 NOVEMBER 2017**

### **SESSION THREE**

#### **Members**

**Hon Adele Farina (Chair)  
Hon Jacqui Boydell (Deputy Chair)  
Hon Ken Baston  
Hon Kyle McGinn  
Hon Darren West**

---

**Hearing commenced at 1.32 pm**

**Mr RALPH KEEGAN**

**Chief Executive Officer, Frontline Safety and Training Services, sworn and examined:**

**The CHAIR:** Mr Keegan, my name is Adele Farina. I am the Chair of the Standing Committee on Public Administration. Apologies for keeping you waiting. We are now ready to start, so I will just ask that we go on air. This is an inquiry into WorkSafe and this is a public hearing with Frontline Safety and Training and Mr Ralph Keegan, chief executive officer. I have some formalities I need to go through. On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I need to ask you to take either the oath or the affirmation.

[Witness took the oath.]

**The CHAIR:** You will have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

**Mr KEEGAN:** I have, yes.

**The CHAIR:** These proceedings are being recorded by Hansard and broadcast on the internet. A transcript of your evidence will be provided to you. To assist the committee and Hansard, when you refer to a report, could you please provide the full title of the report, and also be aware to speak into the receiver so that we can hear you clearly. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, we will go offline and take the rest of the evidence in private. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

The committee has a range of questions to ask you in relation to your submission, but I would like to invite you to make an opening statement if you wish to.

**Mr KEEGAN:** No, I am quite happy. I have the letter I wrote to the committee in front of me and I am quite happy to respond to that and any other areas. That is just fine.

**The CHAIR:** Terrific; thank you very much. On page 1 of your submission you state that WorkSafe should be providing posters and other materials for workplaces. What sort of posters and materials should they be providing?

**Mr KEEGAN:** It is actually basic occupational health and safety information, such as posters that relate to, say, material safety data sheets, or safety data sheets as they call them now—such things as the correct way to lift, maximum recommended amounts for lifting, where you can work at heights and what the requirements are. What we need, I think, is across-the-board information. There is lots of information out there, if you like, about what you can do and what you cannot do, but there is nothing that the average worker can say, “Okay; this is what I need to do”, because you can go on the internet and you can download a poster, of which some are right and some are mainly right, but there is nothing, or nobody has the facility, if you like, to print out a poster, say, around A3 or even larger, that they can put up on a noticeboard in the a workplace and refer to it at

employee meetings or toolbox meetings and the like. There is nothing there provided by any organisations.

**The CHAIR:** If WorkSafe were to provide the PDF of posters on their website for employers to print, would that suffice the need that you have raised?

**Mr KEEGAN:** I do not think so, no. In terms of PDF documents, there is a million and one of them around the place. Many organisations provide PDF documents and they are readily available, but the problem in terms of a document—take our organisation, for example —

**The CHAIR:** Sorry, I was suggesting PDF posters rather than —

**Mr KEEGAN:** Yes, poster documents or the same sort of thing. I do not think a PDF electronic version would do anything whatsoever. There are thousands of those available now. What we need in the workplace is larger documents—say, four times the size of A4, minimum, to put up on the noticeboards and things like that so that when the employee clocks on at the workplace, or signs on, there is actually something to remind them of, one, the employer's obligations and their obligations. I really do not think that an A4 poster, PDF version, is going to do anything at all.

**The CHAIR:** Yes, but if it is provided, it could actually be much larger than A4.

**Mr KEEGAN:** Yes, but then it brings the problem of printing it out.

**The CHAIR:** Do you believe that should be the responsibility of WorkSafe and not the employer?

**Mr KEEGAN:** I suppose it is an obligation of both WorkSafe and the employer to make sure employees are safe, but the key thing is that if the information is available, the employer will put it in the workplace, but as it stands now, for example, if one of our clients wants a poster on manual handling, we can certainly provide them very readily and easily. We can email it to them or you can print it out for them at A4 size, but in terms of our client base, there would probably be five of them that could print anything larger than A3, and out of those five, probably only two of them could print anything out in colour.

**The CHAIR:** If WorkSafe were to provide posters and there was a cost attached to the posters, would employers access those posters?

[1.40 pm]

**Mr KEEGAN:** I would say that some would be quite happy to purchase them and some would probably not but having said that, again, you can actually buy posters on the internet. There are companies that actually specialise in providing all sorts of different posters that you can actually create yourself or they can even provide set posters, as such. My thoughts on the entire process is, for example, for WorkSafe inspectors to have a look at a workplace, talk to the employees or the employer, identify what sort of information they need and actually provide something that is relatively simple for an employer—a poster. They can whack it up on the wall and emphasise that at their toolbox meetings or their training meetings.

**The CHAIR:** But at no cost to the employer?

**Mr KEEGAN:** I believe so, yes.

**The CHAIR:** How is the cost of the production of those posters going to be covered?

**Mr KEEGAN:** I do not know the workings of the government. The reason I have brought this one up is because this is what WorkSafe used to do—provide posters in the workplace. We, as a consultancy, had access to them and we provided them to our client base and they work.

**The CHAIR:** In recent years, the government, through necessity, has turned more and more to a user-pays model whereby people are required to cover the costs of production of materials because

---

the cost has just become so expensive. What I am trying to establish is that: is there a need for this material and would people access it if there was a cost attached to it because of the need, or is it a case of it would be nice to have it but people do not want to pay for it?

**Mr KEEGAN:** I suppose the latter, then. The reason I say that is because there are many organisations out there that now provide posters. You can buy any means of posters nowadays.

**The CHAIR:** Okay, so this is not an issue about safety? Because if it was an issue about safety, employers would not have a problem with purchasing the posters.

**Mr KEEGAN:** I do not agree with that comment. In terms of if it is an issue of safety, certainly it is about safety education. If we can provide information to employees that they know what their rights and responsibilities are above what the standard is, then what is going to occur is we are going to wind up with less injuries and less accidents in the workplace, and less noncompliance.

**The CHAIR:** As an RTO, you would like WorkSafe to provide you with free posters that you could then pass on to your client rather than produce them yourself?

**Mr KEEGAN:** No, not as an RTO, as a safety consultancy; we do two key different areas here. In terms of an RTO, we provide all sorts of bits and pieces to clients. In fact, we provide electronic stuff to clients and, interestingly enough, not a great deal of that is actually utilised. Going back to when the information was provided in poster form by WorkSafe, they were very popular. People would put them up in the workplace and we could then talk to employees at the next toolbox meeting and they would be certainly more aware of what we were talking about in terms of the roles and responsibilities of both parties.

**Hon KYLE McGINN:** It is concerning that we are asking this question because I was under the understanding that the object of the act for WorkSafe was to educate in the industry. Are you saying that WorkSafe no longer provides any memo posters for improved safety education?

**Mr KEEGAN:** They provide some in electronic format.

**Hon KYLE McGINN:** So do they send it to HSRs or employers?

**Mr KEEGAN:** No, essentially, if you want anything, you go to the WorkSafe website and you can download information from there.

**Hon KYLE McGINN:** But there is no proactive approach from WorkSafe from going into workplaces and displaying these posters?

**Mr KEEGAN:** Not that I am aware of.

**Hon KYLE McGINN:** When you referred to posters being common back in the day, was WorkSafe proactive by getting the material out there and putting it up in workplaces?

**Mr KEEGAN:** Yes.

**Hon KYLE McGINN:** So do you believe they have changed the way that they educate on safety and it is having a negative effect because they have now given the onus to employers and employers are not putting up the material?

**Mr KEEGAN:** The key thing here I suppose is making it difficult for the information to be available.

**Hon KYLE McGINN:** Would you agree, though, that an employee would have to be the one that asks to put up the poster now, rather than WorkSafe?

**Mr KEEGAN:** Yes.

---

**Hon KYLE McGINN:** That probably does not happen because, from what we have heard evidence of, there is this fear of if you raise safety issues or go against the trend, you might be on the bus out of there. Do you think that employees being the ones having to do this, we are not seeing it utilised?

**Mr KEEGAN:** I think that is probably a fair comment, yes, certainly. Having said that, in terms of if you are not doing the right thing, you are out of there, that is not a common thing; that is a small but harsh percentage.

**The CHAIR:** How long is your safety representative course that you provide?

**Mr KEEGAN:** It is five days.

**The CHAIR:** How long is the refresher course?

**Mr KEEGAN:** It is two days. What we actually do with the refresher course is we tell students that they can attend the entire course with the same cost as the two-day course. Our only criteria is that they have completed a safety reps course previously.

**The CHAIR:** When was your course last assessed by WorkSafe?

**Mr KEEGAN:** That is a fine question. I think Joyce Inma did it about two years ago.

**The CHAIR:** Is it regularly assessed by WorkSafe?

**Mr KEEGAN:** Yes. There is generally a cycle of about five years in terms of having to look at the content of the course and the like. My offsider has reminded me that Joyce actually came down about two months ago to inspect our facilities—our training area and that sort of thing.

**The CHAIR:** Do WorkSafe conduct desktop audits or do they actually come and sit through a course and experience the interaction between the person who is providing the course and the students?

**Mr KEEGAN:** They have done both with us.

**The CHAIR:** You have stated on page 2 that WorkSafe's auditing has been adequate for the safety representatives course but you are also saying that it is only audited once every five years; is that right?

**Mr KEEGAN:** That is correct; yes. I think it is every five years.

**The CHAIR:** You want to take that as a question on notice and you can double-check and come back to us?

**Mr KEEGAN:** Yes, certainly.

**The CHAIR:** We will take that as question on notice 1. Does WorkSafe provide you with any feedback about ways to improve the safety representatives course after they have completed an audit?

**Mr KEEGAN:** Yes, they do.

[1.50 pm]

**The CHAIR:** And does WorkSafe then follow up to see whether those suggestions have been taken on?

**Mr KEEGAN:** Yes.

**The CHAIR:** Does WorkSafe independently assess the assessors?

**Mr KEEGAN:** The answer would be no. From what they do, they make sure that the people that are doing the training are suitably qualified and have vocational skills. They do not come—I am sorry, the answer would be, yes, they do.

**The CHAIR:** So they conduct a regular audit of the assessors?

---

**Mr KEEGAN:** That is part of the auditing program five-year cycle, looking at who is doing it.

**The CHAIR:** So they come in and they actually watch an assessor undertaking the assessment process?

**Mr KEEGAN:** They have done both. They have done people doing our training, and also a desktop process as well. Bear in mind, talking about assessment, that with the safety representative course there is no actual assessment requirement for that course.

**The CHAIR:** Okay, so you can do a safety representative training, but there is no assessment at the end of that process?

**Mr KEEGAN:** That is correct, yes.

**The CHAIR:** So as long as you turn up each day of the five-day course, that is all that is required?

**Mr KEEGAN:** That is pretty much it.

**The CHAIR:** So it is quite possible that a person who is doing the course has taken nothing in at all, not comprehended the key aspects of their role, and they still get a tick off on the box that says they have completed the course.

**Mr KEEGAN:** I suppose there are two ways to look at that particular question. The requirement of the WorkSafe training is no assessment as such—not to assess a student as competent or non-competent as such. But what we do, and I assume other RTOs that do the safety reps training do, is that we continually assess the student against the course guidance, or outcomes, if you like, but we do not conduct any formal assessment. Before we move forward, we certainly make sure that all the students know what we are talking about in a particular section.

**The CHAIR:** The committee has heard evidence from the Training Accreditation Council and ASQA that WorkSafe does not share information with them about high-risk work licence assessors and RTOs. You have also raised this issue on page 2 of your submission. Do you agree that WorkSafe should share information with TAC and ASQA?

**Mr KEEGAN:** Most definitely, yes.

**The CHAIR:** What sort of information should they be sharing?

**Mr KEEGAN:** Initially, any noncompliance.

**The CHAIR:** So when they audit an assessor, any noncompliance should be referred to the other two agencies, even though those two agencies do not have a responsibility for auditing the assessor. Their responsibility is in relation to auditing the RTO.

**Mr KEEGAN:** Yes, but the assessor is part of or managed by the RTO, so essentially you could say that the assessor is separate from the RTO, but the assessor is representing, and is part of the RTO if they are doing any assessment. That is really part of the RTO process. One goes with the other. You cannot separate the two.

**The CHAIR:** The committee has heard evidence that a number of assessors of high-risk work licences are allegedly approving and issuing those licences when the person does not have the appropriate competency. You have mentioned that you have heard anecdotal evidence in support of that view that has been expressed.

**Mr KEEGAN:** Certainly, most definitely. I can give you an example in terms of what we are talking about here in terms of competency. Take, for example, a forklift licence. In Bunbury, you can obtain a forklift ticket with no problems and you can do it in a day, or two days, and in some cases less than a day, and there are all varied costs. The problem we have is market. What happens is that somebody goes to a forklift training course, or a company sends an employee to a forklift training

course and then even if they were to fail the course, what happens is they would never go to that company again. The drama is—I suppose it ties in more with ASQA and TAC and some elements of high-risk—that it is by market, and what can happen is, if you do not pass somebody, they just will not go back there. We do not do any high-risk training as such, but I can certainly give you a very clear example of the cost to us of failing students. This had to do with white cards. We had two students on a course from a large company in Australia, and we failed these two students on a course. I was actually the trainer for this one, and I said to the students, “Guys, you haven’t got it. The option is we can hang about at the end of the day, or we’re conducting this course in two weeks’ time and you can attend that.” They did not want to do either. I spoke to them and their supervisor, and the end result was that I got a phone call from the safety manager, who was located on the eastern seaboard, asking why these people failed. I told him they just were not competent. Anecdotally—whether it is true or not, I do not know—I was told by an employee of the company that they were taken by a supervisor to another RTO, and after a small discussion were issued with the appropriate qualification. The upshot of that to us was that we used to train two or three employees per week for that company, and since then, which was about four years ago, we have not seen an employee from that company.

**The CHAIR:** Did you report that to ASQA or TAC?

**Mr KEEGAN:** I spoke to TAC about it, they pretty much said they would not touch that kind of stuff. It was not a formal complaint, but it was certainly a bit of a whinge.

**The CHAIR:** I am curious as to why you did not lodge a formal complaint. You have actually got someone who has issued licences to two people whom you have deemed not to be competent, and they have effectively ended up taking trade away from your business, so why would you not have lodged a formal complaint?

**Mr KEEGAN:** The issue there is in terms of advice, and the end result there, in terms of competency, is that the other organisation deemed them competent, so it is us arguing against another RTO. I have used that as an example of the issue in terms of high-risk licensing, whereas it needs to be quite tightly controlled, and having not only ASQA but also TAC and also WorkSafe looking at time frames of obtaining training, and I suppose what that would cost as well. If you get something cheap, you generally get something cheap.

**The CHAIR:** It just seems to me that if people in the industry are not prepared to lodge formal complaints, I am a bit at a loss to know what information WorkSafe is going to have access to in conducting an audit of an assessor that they can pass on to TAC and ASQA. TAC and ASQA will actually require evidence of that, which they are in a better position to obtain from people such as yourself lodging formal complaints.

**Mr KEEGAN:** As I said, we spoke to TAC informally, and from there we discussed the way forward, and it is certainly not a formal complaint, but I suppose the comment would be that it was noted.

[2.00 pm]

**The CHAIR:** Okay. I think that is concerning because it seems to indicate that even if these matters were raised by WorkSafe with the TAC or ASQA, they would not necessarily be followed up anyway, despite the fact that there is a lot of anecdotal evidence to suggest we have serious problems with competency in the high-risk work licence area.

**Mr KEEGAN:** Yes.

**The CHAIR:** One last question: has WorkSafe changed as an organisation over the last 10 to 15 years; and, if yes, how so?

---

**Mr KEEGAN:** The change? In terms of the change, I think their support and resources have diminished over time. We deal with inspectors on a pretty reasonably regular basis and they are certainly good value, but I think they are under the pump and I think that, yes, certainly under the pump and there appears to be limited resources, looking from the outside in. Certainly other things, which was a very useful tool such as the small business programs and that sort of stuff, have gone by the wayside. I appreciate the government has gone to a user pays-type process, but at some stage of the game we have to say, "Where are we heading? Because somebody is not paying for it, you're not going to get it."

**The CHAIR:** The advantage of the small business program was that WorkSafe would actually go and visit the small business and undertake an audit and inspection and then provide advice back to the workplace as to what safety hazards exist and what needed to be done to correct those without issuing any infringement notices?

**Mr KEEGAN:** No, that is not correct. How the small business program worked is a person would contact WorkSafe as such and then have an independent person come out and have a look at their workplace. And what it meant was —

**The CHAIR:** So when you say an "independent person", where were these independent people sourced from and who covered the costs?

**Mr KEEGAN:** They were general safety consultants. They had no alliance at all to WorkSafe.

**The CHAIR:** And how were those costs covered?

**Mr KEEGAN:** Via WorkSafe.

**The CHAIR:** And that ceased a couple of years ago; is that correct?

**Mr KEEGAN:** That is correct, yes. I was quite surprised. It was a very valuable program, and certainly from our perspective as a consultancy, we could see a definite improvement across the board.

**The CHAIR:** Yes. Is there anything further that you would like to raise with the committee?

**Mr KEEGAN:** No, I do not think so. No.

**The CHAIR:** I think I am done with all my questions and no other members of the committee have indicated that they have any questions to ask you. In concluding, I would just like to thank you for your evidence to the committee. We value that evidence and the time that you have taken to inform the committee of your views on this important inquiry. I just remind you that a transcript of your evidence will be provided to you for correction. If there are any typographical or transcript errors, please indicate those corrections on the *Hansard* and return it to the office. The committee requests that you provide answers to your questions taken on notice, of which there was only one, when you return the corrected transcript of evidence. Also, if you want to provide additional information to the committee or to elaborate on any particular points, you may provide supplementary evidence to the committee when you return your corrected transcript.

**Mr KEEGAN:** No worries at all.

**The CHAIR:** Thank you very much.

**Hearing concluded at 2.03 pm**

---