

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

INQUIRY INTO WORKSAFE



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
TUESDAY, 3 OCTOBER 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 2.27 pm

Mr STEPHEN EASTERBROOK

Managing Director, HiSkill Pty Ltd, sworn and examined:

Mr STEVE CHARLES

Financial Consultant, Steve Charles Consulting, sworn and examined:

The CHAIR: On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Witnesses took the oath.]

The CHAIR: I apologise up-front if I get your names confused between Stephen and Steve. Hopefully we will be able to work it out. You would have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The WITNESSES: 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 when it becomes available. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of the hearing, and also be aware of the microphones. Speak into the microphones and do not put any papers in front of the microphones. I remind you that your transcript will become a matter of 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, any public and media in attendance will be excluded from the hearing. 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. Having got those formalities out of the way, is there an opening statement that either of you would like to make?

Mr EASTERBROOK: Yes, thank you. Good afternoon, Madam Chair. My name is Stephen Easterbrook and I am the managing director of HiSkill, which is Australia’s first specialist scaffolding training facility. Thank you for your interest in HiSkill’s submission. I sincerely appreciate this inquiry and for the opportunity to give evidence today. You will appreciate this is not the type of environment I am used to, I am certainly at comfort in the mining community, where I do work. With that, who is HiSkill? HiSkill offers comprehensive training and education in all applications of scaffolding. It is ranked as the largest and the only unique scaffolding training facility in Australia, unlike any other. The scaffolding industry in Western Australia has a vital role in ensuring that those who work in high-risk environments can do so with complete confidence with the structures that they are working upon and at heights safe to do so. From HiSkill’s experience, the level of training and the lack of competency among those who are deemed competent at basic intermediate and advanced levels of accreditation is appalling. Our business has been founded solely to redress and hopefully reverse the ineffectual training delivered by RTOs in Western Australia and those who rate the students to be competent as scaffolders.

What is the problem? Thankfully, the number of scaffolding-related deaths and incidents in Western Australia is very small. From our assessment of candidates seeking training at our facility,

this is nothing short of a miracle. Neither the industry nor government and its supervising agencies should draw any comfort from the relatively small number of scaffolding-related deaths. It should not take a rising body count to drive the need for a significant increase in the standard of training and compliance in the scaffolding industry. With that, we must honour—I am quite emotional about this, unfortunately—those who have died in the workplace by ensuring our industry and regulatory response delivers a training and accreditation regime that limits as much as possible the likelihood of serious death or injury from erecting or dismantling scaffolding structures.

Shaun McBride. An experienced scaffolder, Shaun McBride died in 2011. He was dismantling a counter-levered scaffold hanging under the jetty of a Rio Tinto wharf at East Intercourse Island near Dampier when the scaffolding structure collapsed, causing him to fall directly into the water below. He was working over water at a mine and the coroner's finding was that he had drowned. The State Coroner recommended that wearing a personal floatation device, or PFD, when conducting scaffolding over or adjacent to water was adequate or necessary. In her findings, the coroner also commented that the circumstances surrounding the deceased's death go to show the importance of training, compliance and JHA—job hazard analysis—procedures and supervision. An independent expert scaffolder at the inquiry noted that the wearing of a PFD itself would not have prevented the fall, but will only work after a fall, which should not occur in the first instance. Additionally, the scaffolding product manufacturer told the coroner of the need for scaffolders to be appropriately trained and qualified and experienced for task-planned work to be undertaken. The question that does not appear to have been posed at the coronial inquiry is whether this tragic incident could have been avoided if the necessary training had been undertaken for the level of work being completed for the scaffolding system in use.

What is the community's expectation? Madam Chair, I would like to contrast the current lack of vocational experience and the community's expectation with two unrelated but highly regarded professions—hairdressing, and school teaching. These are not high-risk professions, yet the training requirements for both are exhaustive and meticulous. A hairdresser in Western Australia is required to undergo a four-year apprenticeship. The earliest an apprentice hairdresser can cut a client's hair, under supervision in the salon, is 18 months. That is our understanding. To become a schoolteacher in WA, a student must complete a rigorous four-year degree, which includes 28 weeks of supervised classroom experience. These professions require a significant mix of learning outcomes as well as supervised vocational training or professional placement before being fully qualified. High-risk work licensed workers are not mandated to complete vocational experience, yet they are considered competent to work in hazardous environments after the equivalent of under two weeks, which can result in injury or death to themselves or others. The verification of competency fails its own test. Regulatory standards are imposed on employers to ensure workers are competent to undertake work required of them and specifically relates to high-risk work occupations. Unfortunately, the resources industry is not satisfied nor is it confident in high-risk work licences and training outcomes by RTOs and has imposed greater reliance on verification of competency benchmarks to satisfy these standards. This response by industry does not address the minimum training standards required to assure the competency of employees and is the short-term solution to the issues identified by this inquiry.

How long does it take to obtain a scaffolding ticket? The term “tick and flick” describes the incidence of training organisations churning students through training disciplines without meeting minimum training requirements or standards. My personal belief is that this is the reality, not the perception, and is demonstrated through the duration of training courses offered in the scaffolding sector. Let me illustrate what I mean. A scaffolding training candidate requires eight hours to complete fully a three-part assessment that comprises of 80 questions and 10 manual proficiency tasks. At HiSkill,

we allocate nine days of intensive training to students covering both practical and theoretical application for each of the basic, intermediate and advanced scaffolding units, preparing them for their assessment. Other RTOs, however, offer the same course in as little as four days for a basic scaffolding licence, or two for an intermediate or two for advanced. Therefore, it should not be a surprise that the recent Training Accreditation Council “Strategic Industry Audit Report” identified a direct relationship between the delivery of courses in short time frames and higher noncompliance with training standards.

That concludes my opening statement and I again thank you for your time and the committee’s for this opportunity to appear.

The CHAIR: Can I just say on behalf of the committee that we very much welcomed your submission. It touches a critical issue out there in the industry in terms of the adequacy of training, especially in relation to high-risk work licences and the concern that is out there in the community about this issue. I can personally say that I share the views that you have expressed in your submission. The issue for us as a committee is that our inquiry is into WorkSafe and WorkSafe does not have a role in either setting the training standards that are required, nor does it have a role in assessing RTOs in the delivery of that training package. Do you think WorkSafe should have a role in that? Is that part of your submission? I am trying to connect your submission with the precise terms of reference of the committee.

[2.40 pm]

Mr EASTERBROOK: That is the case, yes. We have had individuals that have come into HiSkill before, extremely upset that they cannot display the fundamental basics. WorkSafe are the people that are issuing—the governing body issuing these high-risk work licences. We have sent these individuals and I have gone down to WorkSafe and said, “We have got issues here.” It is falling on deaf ears.

The CHAIR: Can I just clarify that? Are you saying that WorkSafe actually issues the high-risk work licences? In your submission I thought I understood you to say that the department of mines issues the licences but WorkSafe regulates.

Mr CHARLES: My understanding is that that is correct. WorkSafe assesses the competency of the assessors at the RTOs, who are accredited through WorkSafe.

The CHAIR: But they do not actually issue the licence?

Mr CHARLES: The licence is issued through the DMIRS by the commissioner. We see it that if WorkSafe are undertaking a fundamental role in reviewing the capabilities and capacity of assessors who are undertaking the training and recommending the high-risk work licences to be issued by the commissioner, they are quite a linchpin in that process, and we are trying to expand on that.

The CHAIR: Can I just get some clarification from you? In relation to RTOs, do they employ assessors as part of the RTO or are the assessors separate to the RTOs?

Mr CHARLES: In the instance of HiSkill—we can only speak from HiSkill’s capacity—they are employees of HiSkill. It is not a contract arrangement; is that correct, Stephen?

Mr EASTERBROOK: No, they are employees of HiSkill.

The CHAIR: You employ the assessors; however, WorkSafe —

Mr EASTERBROOK: Issue the card.

The CHAIR: — issue the card that licenses them to be a registered assessor; is that correct?

Mr EASTERBROOK: They issue the high-risk licence.

The CHAIR: I am getting a bit confused here. As I understand, we have established that the department issues the high-risk work licence. WorkSafe audits the assessors to make sure that they are actually assessing at the right standard and are compliant with their role as assessors but the assessors are employed by the RTOs.

Mr CHARLES: Correct.

Mr EASTERBROOK: The trainers and assessors are employed by HiSkill. They can go out to another RTO and, essentially, obtain their trainer's and assessor's licence, if you have it. They then hold the high-risk licence to be able to actually educate and train in scaffolding, in this instance. They have got the manuals which they work from. There is a set structure, which is fairly whimsical at this point, but there is a set structure that they educate to and then they issue the licence from there.

The CHAIR: WorkSafe license the assessors, but the actual high-risk work licence is issued by the department; is that what you are telling the committee?

Mr CHARLES: Yes. In the submission that we put in—I am referring to it here —

High-risk training and assessments of competency are conducted by —

High-risk work licence —

... assessors who are issued licenses by the Department of Mines Industry Regulation and Safety and regulated by WorkSafe.

Mr EASTERBROOK: Right. There we go.

The CHAIR: So there is a pretty close working relationship between the assessors and the RTOs?

Mr CHARLES: Yes.

Mr EASTERBROOK: Very much so, yes.

The CHAIR: In terms of the submission that you have presented to the committee, what role do you think that WorkSafe should be playing in this area that it is not, obviously, performing well. I understand the concern is that the bar has been set too low in terms of the training that is required to obtain a high-risk work licence. I accept that. However, that is not the role of WorkSafe, to determine what that training standard should be; that is done by a separate body. WorkSafe assess the assessors. Is there a concern that the assessors are not competent?

Mr EASTERBROOK: I think there is certainly a degree of that, from what we have seen out there. You may have an assessor that can deliver a cast of a thousand courses, but it certainly does not mean that they are a specialist in what they are actually delivering.

Hon KYLE McGINN: Have you seen WorkSafe out there with the assessors doing check-ups and audits et cetera?

Mr EASTERBROOK: No. WorkSafe has never been to HiSkill.

Hon KYLE McGINN: How long has HiSkill been operating in WA?

Mr EASTERBROOK: A good three years.

The CHAIR: WorkSafe have never attended HiSkill to actually audit the assessment being undertaken by one of your assessors?

Mr EASTERBROOK: No. When we were accredited by TAC, that was the only audit that we have had in HiSkill.

The CHAIR: How long has HiSkill been operating?

Mr EASTERBROOK: For a good two years.

The CHAIR: In the whole two years, WorkSafe has never been on the site to assess an assessor?

Mr EASTERBROOK: No.

Hon KYLE McGINN: I thought the answer was three years to my original question.

Mr EASTERBROOK: Three years—pardon me. I will clarify the exact date.

Hon KYLE McGINN: That is okay. I just heard three years then two years.

Mr EASTERBROOK: WorkSafe has not been into HiSkill at all, no.

Hon KYLE McGINN: Obviously, you work with the industry as well. Are you aware of WorkSafe attending any other assessor's worksites at all in this space of assessors?

Mr EASTERBROOK: No.

The CHAIR: How does WorkSafe undertake an audit of the work of an assessor? Do you have any idea?

Mr EASTERBROOK: I cannot answer that.

The CHAIR: No assessor employed by HiSkill has ever been audited by WorkSafe?

Mr EASTERBROOK: Not by WorkSafe, no. They have completed their training. They are certified trainers and assessors but WorkSafe has never actually come and interviewed these individuals, audited the business or audited the building. WorkSafe has not done that, no.

Hon KYLE McGINN: Has WorkSafe ever put a memo or an alert out to assessors through HiSkill about training and assessing?

Mr EASTERBROOK: Not to my knowledge, no.

Hon KYLE McGINN: Have there been any forums?

Mr EASTERBROOK: Yes. There was a forum, I believe, 12 to 18 months ago, that was held in regard to WorkSafe with trainers. I did not attend that forum. In my understanding, there were a lot of eyes on the actual trainers and assessors and WorkSafe and I believe it was around the time that some of these reports and inquiries were starting to come to surface. WorkSafe said, essentially, that we have eyes looking at us and what we are doing.

The CHAIR: At page 3 of your submission, you state that holding a high-risk work licence is evidence that the person has undertaken the necessary training and has been assessed as fully competent to operate the class of high-risk work they are undertaking. What would you say if I told you the committee has heard evidence from WorkSafe that holding a high-risk work licence does not mean that the person is competent to do the job; it merely means that the person has completed the training course?

Mr CHARLES: That is probably correct.

Mr EASTERBROOK: Yes. What is the point of a licence then? The RTOs are out there issuing high-risk licences to individuals on the pretence that these individuals believe that they are now employable and have got the skills to go forward in their chosen profession, whether it be scaffolding or rigging or what have you. I would also disagree with that when we look at the individuals who have gone and spent between \$2 000 and \$3 000 in 10 days and they come in and we ask them to demonstrate the fundamental basics and they cannot. I would question what would be the point of the training in the first instance. An interesting piece of information down the bottom of a lot of VOCs that are given is "is deemed competent at time of assessment". To me, as an employer, that is almost a get out of jail free card when someone falls to their death and I can turn

around and say, “Well, that individual, at that point, I deemed competent as opposed to now, he’s not competent.”

[2.50 pm]

The CHAIR: Can you just explain the VOC system to me in a bit more detail. As I understand it, that is undertaken by the employer; it is a verification of competency. Let us just talk about employing a scaffolder. A scaffolder has their high-risk work licence but there is a requirement on the employer to undertake a VOC—a verification of competency. Is that correct?

Mr EASTERBROOK: Yes. Is it law? No, it is not. Does business do it to ensure that we have individuals and people who know and can display their understanding and competence? Absolutely. Is it mandated? No, it is not.

The CHAIR: Do you think it should be mandated?

Mr EASTERBROOK: There are loopholes in it, unfortunately. But the VOC process is there because the training that the individuals are getting—or dare I say the information that they are getting that does not deem them competent—is there as another stopgap. With that, in HiSkill, it takes two days to do a verification of competency; it is one day for basic and intermediate, and a day for advanced. The RTOs have now got hold of that as well and you can go down the road and get VOC-ed within two hours.

The CHAIR: This is the point that I was coming to. Could the RTO that undertook the training of a worker for a high-risk work licence actually be the same RTO that does the verification of competency?

Mr EASTERBROOK: Absolutely.

The CHAIR: So that verification of competency could be of no value at all.

Mr CHARLES: Absolutely. We view the verification of competency process as an employer’s failsafe, bearing in mind that workers can generally work across a number of employers in any six or 12-month period, that an independent body, whether it is the same body that trained them or not, has verified them to be competent to undertake the work, whether they really are competent for the job that they are going to be undertaking.

The CHAIR: I take a point with what you have said and I appreciate that it is a reflection of what actually happens in the industry but if it is the same body that is undertaking the VOC that did the training in the first place, you have to question whether that is an independent assessment.

Mr EASTERBROOK: No; it is the fox guarding the chicken coop.

Mr CHARLES: Correct.

Mr EASTERBROOK: Over in the UK, it takes two and a half years to become a scaffolder. It is an apprenticeship. It is valued.

Mr CHARLES: And they do not have a verification of competency process.

The CHAIR: So why do we not have that here in Australia?

Mr EASTERBROOK: It is my understanding that possibly around 15 to 20 years ago, there may have been logbooks and it may have been viewed as an apprenticeship-style trade, the way it should have been. I believe that due to the resource boom that we have gone through, RTOs have simply put a lot of different high-risk licenses et cetera on the scope and we have seen the devaluing of scaffolding and high-risk licensing. Scaffolders are not highly educated individuals; they may not have completed year 12. It seems to be a segue for “How can I get into the mining industry as quick as I can?” It takes 10 days. If we think for one minute that if you know the right people, you could

end up on the Wheatstone project within 10 to 14 days of doing this work here, earning up to \$250 000 to \$300 000 a year.

The CHAIR: I suppose what I am having difficulty with is that there seems to be an across-the-board acceptance that the level of training is inadequate.

Mr EASTERBROOK: Yes.

The CHAIR: There are different views about whether there should be an apprenticeship system in place for scaffolding, how long that should be and how much on-the-job, work hour supervised training there needs to be as part of the component of any licence to be a scaffolder. These issues are out there in the industry but they do not seem to have advanced anywhere in terms of actually changing the system to requiring an apprenticeship system or to improving the standard of training that is needed. Where is the hold-up?

Mr CHARLES: We see that industry really does need to take greater responsibility on the training regime, and that is in our recommendations in our submission. We do refer to the UK model, which is akin to an apprenticeship scheme. That is endorsed and managed by the industry and that is why we have put in our submission to have a similar style body that can manage, endorse and impose the competency and training standards on industry so that when somebody has a high-risk work licence card, they have gone through that standard and you can be satisfied that they are fully trained. We also therefore consider that that would improve the assessment process that WorkSafe needs to undertake across assessors in the industry. In totality, it is raising the whole standard.

Mr EASTERBROOK: There is a cert III in scaffolding. HiSkill has developed this over the last 12 to 18 months and we are ready to roll this out. That is an 18-month program, which is essentially your basic scaffolding licence, familiarisation with different products and then going out with a logbook for six months. Then they come back in to be skills assessed and get further education. Then they go back out again over an 18-month period. We believe that is the best way going forward.

The CHAIR: Okay, but what is WorkSafe's role in where you want to be? WorkSafe does not determine the training that is required. That is determined by another body and I am not too sure which body actually determines the standard of training. WorkSafe does not have the capacity to order apprenticeship-style training for scaffolding. Its role is simply to audit the assessors. So where do you see WorkSafe playing a role in trying to affect the change that you want to see? I think that a lot of people in the industry would support your view because nobody wants an unqualified or incompetent scaffolder out there in the industry. I am just trying to understand from the point of view of this committee's inquiry into WorkSafe what role WorkSafe plays in affecting the sort of change that you want to see.

Mr EASTERBROOK: I think what I would like to see is the trainers and assessors out there essentially being assessed. Are they competent to deliver high-risk work licenses? Are they subject matter experts or are they just generalists following a tick and flick: "Here's the agenda, follow it through—next", or are they skilled subject matter experts to deliver this kind of education?

Hon KYLE McGINN: That is WorkSafe's role—to audit the assessors. I picked up on comments you made earlier that you went in there about a tick-and-flick operation that had happened, which an assessor had done, and you made that complaint to WorkSafe and they did not act. Is that correct?

[3.00 pm]

Mr EASTERBROOK: They have not come back to us at all.

Hon KYLE McGINN: Did you give it to them in writing?

Mr EASTERBROOK: We went in there. We have sent information into WorkSafe, and we have not received anything back.

Hon KYLE McGINN: How long ago was that?

Mr EASTERBROOK: I would say a good year or so ago. The previous manager was in there, and there has not been any feedback at all.

The CHAIR: Did you get a complaint number when you —

Mr EASTERBROOK: No.

The CHAIR: Was it in writing? Are you able to provide the committee with a copy of that?

Mr EASTERBROOK: I will try to find that, yes.

The CHAIR: Okay. We will take that as question on notice 1. If you are able to locate any paperwork in relation to that and provide it to the committee, that would be appreciated.

Mr EASTERBROOK: Along with other letters that individuals have sent into WorkSafe, for sure.

The CHAIR: Yes. That would be great.

Hon KYLE McGINN: From the submission and what we are hearing today, there seems to be a real fear that there are some assessors out there that are not probably living up to expectation. Would I be right in saying that you do not believe WorkSafe is regulating that part of the industry at all?

Mr EASTERBROOK: Absolutely. We were extremely involved in the CME's piece of work around the VOC and, unfortunately—we provided a hell of a lot of information in this skills assessment VOC process that the CME were working with—there was more interest in what was written down, walk us through the paperwork, as opposed to coming out the back and having a look at the hands-on, practical experience and assessment that we were going to be undertaking. I near on had to pry this lady out of the chair to say, "Come and have a look at what we're doing", and it was, "Well, we're more interested in just going through the documentation here", as opposed to who was delivering it, how it was being delivered and what was being delivered.

The CHAIR: So what you are saying is that assessors are ticking people off as being competent when they are not?

Mr EASTERBROOK: Absolutely. There are thousands. I have some information here. I am the managing director of Pilbara Access, and I set this up on the back of going over—one, because of the incompetence out there; and, two, I went over to England and had a look at what was going on. Just the way that the scaffolding industry over in England is just so far apart; it is polar opposites. Talking to these craftsmen and women who are scaffolders in London is just absolutely amazing because they value—and they can display and talk about their profession and it is treated as that. So we went over to Simian Risk over in Warrington and literally walked out the back of this RTO, which was scaffolding, and it was a jaw-dropping moment just to see this enormous building and seeing these people being educated. We have tried to replicate that in HiSkill. But just going back to what you were saying, out of 336 skills assessments—because I cannot use the word "VOC"—157 of those individuals passed at the licence that they held. That is less than 50 per cent who could be deemed competent at the high-risk licence that they held.

The CHAIR: So how is that happening? So are the assessors who are going in and giving them this high-risk work licence at an advanced state are simply ticking off the boxes. Has this unit —

Mr EASTERBROOK: Unit of competency, yes.

The CHAIR: — been taught, and have they undertaken this test without actually observing them actually put up scaffolding? I am trying to understand where the breakdown is.

Mr CHARLES: Madam Chair, I think there are two things I would comment on that. Our understanding is that some RTOs align themselves with certain employers—various employers—and then seek to have training and VOC testing forwarded through them. So I guess there is a fear that if you have a high fail test, you may lose the flow of work. Would that be fair to say?

Mr EASTERBROOK: Absolutely. I would almost challenge how many individuals have been into the RTOs in Western Australia and actually failed. People do not fail. No-one fails. Yet in HiSkill we have, unfortunately, had to sit people down because the trainers and assessors in HiSkill are signing off these licences, and if something was to happen to these individuals, it is their name on it. Ironically, last week in HiSkill we had some individuals who were finishing off their basic course over 10 days, and a gentleman had a friend down the road at an RTO and he did his course in four days, and then got out of his car, came and saw us and said, “Have a look at this.” It was a video of the trainer asleep during their assessment. Now, I am happy to show you this.

The CHAIR: Okay. Do you think it would improve the system if the assessors were not employed by the RTOs, so that they were completely independent from the RTOs? Because it seems to me that there is going to be pressure on an assessor to tick off a client or a student who has gone through the RTO training and has paid \$3 000 for a four-day course, and there is an expectation from that student, “I have paid \$3 000, I have done my four days, I want my licence”, and there will be pressure on the assessor to tick off that that person is competent so that they get that licence and they move on. Obviously, if an RTO has a high failure rate in terms of the number of people completing the assessment at the end, then there is going to be word around the industry and people wanting to get a high-risk work licence, “Well, don’t go to that RTO because they’re too tough on you.”

Mr EASTERBROOK: That is, unfortunately, what has happened with HiSkill. We have copped it, I can assure you of that, because we are doing things the right way, because it is the right thing to do by these individuals. We have an obligation to not sign someone off or just push someone through because they want or it is going to inhibit their employment.

The CHAIR: So I go back to my question: should we be separating the assessors from the RTOs?

Mr CHARLES: Madam Chair, I think it is a valid point that there be what you are saying is pool of assessors available, allocated on an ad hoc basis for assessments undertaken at various RTOs.

Mr EASTERBROOK: It may, it may not. Unfortunately, with the work that the CME is working on—that VOC that they are working on; that project there—they were looking at a subject matter expert. So, for argument’s sake, Steve could be a scaffolder for four years and considered a subject matter expert. I have done a trainer and assessor course, and we work in conjunction with each other. I do not know if that is the answer either, to be brutally honest. I do not have the answer. There needs to be a body. Over in the UK they have a governing body for the scaffolding—their National Access and Scaffolding Confederation. They write the policies and procedures for scaffolding. They write all the literature, all the information, and send it out. That, I think, is needed. There was an attempt for that in Perth. We received an email from Damien Beausang, and it fell off the cliff as far as we have not heard from them for a couple of years either in that regard.

The CHAIR: Because I suppose from the committee’s point of view, our terms of reference are to look at the adequacy of what WorkSafe is doing, so actually improving the standard of training that is required is beyond the scope of WorkSafe. WorkSafe does not have the capacity to set the standard of training required; that is a separate body. So while I accept that there is a lot of work that needs to be done there, it is beyond the terms of this inquiry to address that. We look at the role that WorkSafe plays in this field, and it really is auditing the assessors, which, from what you have told us today, seems to indicate they are not doing very well or they are just doing it on a desktop basis rather than actually going out on the site and assessing the assessor while they are

undertaking the assessment. So there may be some scope for improvement there, and for the committee to look at whether there is a benefit in separating assessors and RTOS.

[3.10 pm]

Hon JACQUI BOYDELL: To either Steve or Stephen, I have two things I want to ask you: you talked, Stephen, in your opening statement about Shaun McBride. The findings of his coronial inquiry actually stated—you state in your submission that one of the things that was not asked is if better training was provided, would that have created a safer work environment? Would it be a fair comment to assume that WorkSafe should have taken on board that question in relation to Shaun's unfortunate incident and looked further to how they could ensure a safer working environment?

Mr EASTERBROOK: Absolutely. Unfortunately, I strongly believe it was an absolute missed opportunity for everybody.

Hon JACQUI BOYDELL: Do you think WorkSafe would, or should, have actually gone back from that inquiry and tried to instigate some change in that space?

Mr EASTERBROOK: Absolutely.

Hon JACQUI BOYDELL: The other thing that I just wanted to ask you: we had some evidence yesterday from WorkSafe that I think also agreed with your statement about the confusion around high-risk work licences, around basic, intermediate and advanced, and what that means. There was recognition by WorkSafe that we were not getting people at the end of that result who could deliver on what the licence actually said they could —

The CHAIR: Or suggested they could.

Hon JACQUI BOYDELL: Suggested they could—and that there was no recognition of experience in that licence being issued. If WorkSafe can suggest that to the committee in evidence, what do you think they should do with that? What is your view on the fact that they agree with you? What do you see them doing in that space, or not doing?

Mr EASTERBROOK: We are going to agree for one minute that there are quite a few people out there who are not trained and the training is almost a fallacy. There is a false sense of, "Here is this high-risk licence; off you go." People can now go and undertake what they believe they have been trained to do. The training packages, the education products, if we call it that, they all need to be overhauled. You have made mention, and I certainly take on board, it is not WorkSafe's tack—the government body is there to have a look at it, but that is —

Hon JACQUI BOYDELL: Stephen, can I just interrupt you; I am sorry to interrupt you there. If WorkSafe play a role in assessing the assessor, they do play a role in ensuring, to some degree, that that high-risk licence is issued or not, or been trained correctly. They presented that evidence to the committee yesterday. They recognise that that probably is not being delivered and there is confusion around what basic, intermediate and advanced means. Your expectation as a trainer would be for WorkSafe to do what then in that space? What do you think they should do?

Mr EASTERBROOK: They should come and have a look at the people, audit it, find out if the trainers and assessors out there are actually delivering this, know what they are delivering, and are subject matter experts in what they are actually delivering. Are they competent themselves? Because there is —

Hon JACQUI BOYDELL: That is a fair expectation.

Mr EASTERBROOK: Yes. If I look at this document here, which we will provide you guys, this is government money going to fund this training as well. There are that many high-risk licences on

scope here, how are these people meant to be subject matter experts in delivering this as opposed to “Here is the course content; away you go”? That is what is happening.

Hon KYLE McGINN: Probably just to delve a bit deeper again: you made some comments earlier around making their complaints to WorkSafe about assessors who have tick and flicked. I heard you say that heaps of people have told you that they have made a complaint. I suppose, as you have said, you made a complaint over a year ago and did not get a response. Are you aware of situations of people going to WorkSafe and getting any feedback in this space? Again, I probably want to highlight too, I would understand that another business that trains and assesses talking about another business that trains and assesses would be seen as a conflict. I am more interested in coming from actual people who have been in the ticket —

Mr EASTERBROOK: The individuals.

Hon KYLE McGINN: Yes.

Mr EASTERBROOK: They have said they have gone into WorkSafe. I think that it is a fear of either “Where is it going to go?” or “What is it going to do?” I think that it is almost “why bother”. There is a “why bother” attitude out there as well.

Hon KYLE McGINN: The people you spoke to about it, when you went to WorkSafe, were they trained in that space for high-risk licences? Were you aware?

Mr EASTERBROOK: Yes, they had high-risk licences; that is correct. When they have come into HiSkill—I would certainly invite the parliamentary inquiry committee to come into HiSkill on a day when we are doing skills assessments and look at these people and talk to them, and get a very strong understanding of what we are seeing and going through and follow the bouncing ball and see where it goes.

The CHAIR: Are you aware of any assessors who have been assessed by WorkSafe and have had their licence cancelled because they were deemed not to be competent?

Mr EASTERBROOK: I know there has been some—Ken Sully, I believe his name is, a gentleman up in Karratha. No—apart from that, no.

Mr CHARLES: Apart from what has been mentioned in the press over the last six or 12 months; not personally.

Mr EASTERBROOK: Not personally, no.

The CHAIR: What has been mentioned in the press in the last six to 12 months?

Mr CHARLES: There was one assessor who I understand was overseas at the time he was giving assessments.

The CHAIR: At page 6 you state that —

HiSkill regularly assesses HRWL candidates who are deemed not competent at their classified level ...

How do they come across your door?

Mr EASTERBROOK: Pilbara Access is a scaffolding company and, as I made mention before, I set this facility up due to what was the state of RTOs out there. A prerequisite to be employed by Pilbara Access is you must go through HiSkill to be skills assessed prior to employment at Pilbara Access.

The CHAIR: You have had scaffolders come to Pilbara scaffolding with advanced scaffolding certificates who are not competent at that level?

Mr EASTERBROOK: Absolutely.

The CHAIR: Do you find out from those individuals where they got their licence, which RTO issued their training for their licence, and provide that information back to WorkSafe to say, “Listen, you should have a look at this because we’ve assessed this person not to be competent at the level that they’ve got a licence”?

Mr EASTERBROOK: We have not been active in that space, to be brutally honest. What we do do, however, is we skills assess those individuals; these people. We explain, “You are either not competent or this is where you have got a high-risk licence as an advanced scaffolder; unfortunately, you cannot display this”; or an intermediate, “You’re a basic at best”, or we invite them back. We do not just throw these guys out. We are essentially re-educating these people. There is a magnitude of people who have simply come in for skills assessments, have not been able to be deemed competent at any level at all, and then we have essentially said, “We will re-educate you and train you and give you a pathway forward.” We are providing a shining light in that space. I have also got that on video of individuals that have come in in that space and provided feedback to us. We have given them an intensive 10-day good, robust training package that is credible and it gives them the confidence to be able to undertake scaffolding.

[3.20 pm]

The CHAIR: In the three years that you have been operating, how many people would you have assessed as being not competent at the level of their classification?

Mr EASTERBROOK: Madam Chair, this was in 2016–17. So, 336 people came through and 157 passed at the licence that they held, whether it be basic, intermediate or advanced—157 out of those 336 people. The others were not deemed competent to the licence that they held.

The CHAIR: So that would raise serious questions about the standard of the auditing of assessors being undertaken by WorkSafe, because clearly an assessor has assessed these people as being competent.

Mr EASTERBROOK: Absolutely.

Mr CHARLES: Might I also add that in our submission at the top of page 10, we have made comment on the tension between the resources industry requirements and the accreditation of scaffolding. Our experience is that the resources industry has a preference to mandate that scaffolders are accredited to an advanced level to complete work, when in fact—this is the experience with Pilbara Access—the labour rate that is paid is moderated across a basic scaffolder, an intermediate scaffolder and an advanced scaffolder. The resources industry says, “We only want scaffolders accredited to an advanced state, but we will pay you at a variety of levels. We do not want basics and we do not want intermediates.” That becomes a bit of a demand by people wanting to get the highest ticket they can so they can get on-site regardless of what their skill is.

The CHAIR: Yes, but if WorkSafe were undertaking their task of auditing the assessors adequately, we would not have that high number of people who, on a verification of competency, were failing.

Mr CHARLES: Correct.

Mr EASTERBROOK: Correct.

The CHAIR: Is there anything further you would like to put to the committee?

Mr EASTERBROOK: No. Thank you very much. We need some action. We desperately need action, because, unfortunately, more people will die and there will be more injuries out there. Some information I will impart to you is with Shaun McBride’s unfortunate and very sad death, there was a HSE document that Rio Tinto put together around hooking onto scaffolding underneath structures. Fortunately, this was leaked throughout the industry. I was in Woodside’s building a couple of years

ago talking to them and met one of the HSE managers in there and he turned around and said, “If we hadn’t got hold of that HSE notice and changed what we were doing out on our rigs and vessels et cetera, they would have had a double fatality.” It just shows that no-one is talking throughout the industry. There is no good communication. It was sheer luck that this HSE notice dropped on someone’s desk, they had a look at it and went, “We should take note here and make a change.” They then had an incident; and, if these guys had been hooked on the way that they had historically done so, there would have been more people die only weeks after. There is need for urgent change in this industry.

The CHAIR: So when there is an incident, a fatality, there is no alert by WorkSafe to the industry to say, “This fatality has occurred in these circumstances; you need to take these measures to ensure that it does not happen again”?

Mr EASTERBROOK: I do not believe so. We were working with Rio Tinto at the time. Rio Tinto put an alert out. I think the DMP would have put something out. I am not sure around WorkSafe.

Hon KYLE McGINN: Similar to that incident, I know there have been incidents around scaffolding in general. Have you seen anything promoting change or advising the industry about that incident—like an incident?

Mr EASTERBROOK: I have seen very little—nothing, to be brutally honest. At HiSkill and Pilbara Access, we are trying in vain to change what is out there and challenge the norm and put value into this and have it treated and respected as a craft, as opposed to just someone going and grabbing a high-risk licence and “I want to get paid X amount of dollars.” Until we start seeing individuals value this, it is going to continue.

Mr CHARLES: I might also add, Madam Chair, that just because you are accredited as a scaffolder, at whatever level that may be, there are different scaffolding systems as well, so you actually need training across a variety of systems.

Mr EASTERBROOK: I will jump on that.

The CHAIR: Sorry. Can I just ask: is that a requirement of the training package?

Mr EASTERBROOK: No. On that, when we were in the UK, we went into Layher scaffolding, which is a modular system. In Western Australia, primarily you will see a quick stage round, which has been in the industry for a long time. Things are starting to change. But with a high-risk licence as a basic scaffolder, you can use any system you like. We were in Layher in London and there were these four Scotsmen that came down for education and to be VOC-ed, or educated in the use of this Layher, and what these people were putting up over the two-day period—it was for a week that they were in there, and that was a week-long education program to use a different modular system—was jaw dropping. But you had competent scaffolding tradespeople that were actually being further educated and becoming safer, smarter, more efficient and better people.

Mr CHARLES: The mining boom, as Stephen indicated earlier, we think did change the standards of scaffolding. There was a substantial void of workers for scaffolding and a significant influx from the UK, Ireland and New Zealand that filled that void—well trained. New Zealand has a pretty good regime as well, but there is still an issue with where they were trained on some of the right systems.

Mr EASTERBROOK: In closing, you have got the mining industry. The construction is one plate that we need to work with. We have also got large generalist companies as well that want to see multiskilling scaffolders doing this, this and this—a handful of things. There are generalist companies that actually want to challenge that scaffolding is a specialist trade. Yes, it is. There are a lot of forces here—the education, the structure around that, the overhauling of that, the people who deliver it and the mining businesses. With the CME piece, there were companies saying to us, “How many

people have you put through HiSkill?” because essentially if you were to run everyone through it and do it properly, the mining industry or the shut-down industry could potentially come to a grinding halt if you were to put everyone through and say, “I would like you to demonstrate your competency and we are going to do it properly.” It could literally stop things.

The CHAIR: Thank you very much for your submission. I just want to say that the committee greatly values the submission that HiSkill have made to this inquiry. While some aspects of it are outside the scope of our inquiry, you certainly have got the attention of all committee members that more work needs to be done in this area, even if it is outside this inquiry. We will provide you with a copy of the transcript when it becomes available. If there are any typographical errors in that transcript, please mark them on the transcript and return them to the committee staff. If you could get answers back to the committee to the questions that you have taken on notice within two weeks of being provided those questions on notice by the committee staff, that would be appreciated. If at any point you want to make a further submission to the committee, please feel free to do so. Thank you very much for your attendance today.

Hearing concluded at 3.29 pm
