



TRS19D1737

Ms Emma Barnes-Whelan  
Legal Officer  
CFMEU – Construction and General Division  
Level 6, 540 Elizabeth Street  
MELBOURNE VIC 3000

[ebarneswhelan@cfmeu.org](mailto:ebarneswhelan@cfmeu.org)

**Treasurer**  
Level 8  
State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
GPO Box 2264  
Adelaide SA 5001  
DX 56203 Victoria Square  
Tel 08 8226 1866  
[treasurer.dtf@sa.gov.au](mailto:treasurer.dtf@sa.gov.au)

Dear Ms Barnes-Whelan

**APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act), dated 10 July 2019.

Your application seeks access to:

*“All documents recording a meeting, meetings or discussions between the office of the Hon Rob Lucas MLC and representatives of Master Builders Association, between 1 November 2018 and 5 July 2019 regarding the State Coroner’s recommendations contained within the Inquest Findings in relation to the death of Mr Jorge Castillo-Riffo, including but not limited to: (1) Diary notes (2) Calendar entries, including electronic calendar entries; and (3) Minutes of meetings.”*

*“All documents recording any submissions, correspondence, including email correspondence, or other communications between the office of the Hon Rob Lucas MLC and Master Builders Association, between 1 November 2018 and 5 July 2019 regarding the State Coroner’s recommendations contained within the Inquest Findings in relation to the death of Mr Jorge Castillo-Riffo.”*

*“All documents recording any correspondence, including email correspondence, or other communications between the office of the Hon Rob Lucas MLC and SafeWork SA, between 1 November 2018 and 5 July 2019 regarding the elevating work platform safety discussion scheduled for 5 July 2019 to be convened by the Hon Rob Lucas MLC.”*

**Determination under review**

The legislative prescribed timeframe to determine this application has expired and is now deemed to have refused you access to all documents relevant to your application.

## **Outcome of internal review**

The timeframe of 14 calendar days to make the internal review determination has expired and is deemed refusal to all documents relevant to your application.

## **Determination of application**

Under section 19(2a) to the FOI Act, an agency can make a determination to give access to a document on an application after the period within which it was required to deal with the application.

A total of 5 documents were identified as answering the terms of your application and I have determined as follows:

I grant you access in full to 1 document, a copy of which is enclosed.  
I grant you access in part to 3 documents; a copy of which is enclosed.  
I refuse you access in full to 1 document.

## **Documents released in full**

Document 5

## **Documents released in part**

Document 1 is a briefing prepared by SafeWork SA providing information in preparation for the discussion session on 5 July 2019 on elevating work platform and the recommendations of the Coroner in the Jorge Castillo-Riffo Inquest.

In relation to the attached table showing a summary of comments from various interested groups consent was sought. I advise that responses were not received by two groups, and despite attempts to obtain consent, no replies were received. Therefore their comments have not been disclosed.

One group did not want their comments disclosed as they felt it was an incomplete summary of what was said and did not want to be seen as not addressing the issues.

An individual preferred to keep their comments confidential and did not wish to disclose.

Two individuals have since left their respective groups and so their names have been redacted.

I have determined to exempt this information pursuant to clause 6(1) to the FOI Act, as the table contains information of a personal nature which if released, would be an unreasonable disclosure of personal affairs.

Documents 2 and 3 are emails between SafeWork SA and my office in relation to the discussion session. Mobile numbers have been redacted pursuant to clause 6(1).

## Documents refused in full

Document 4 is a Parliamentary Briefing Note which was prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined exempt this document in full pursuant to clause 17(c) of Schedule 1 to the FOI Act.

## Exemptions

### Clause 6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.*

### Clause 17 – Documents subject to contempt etc

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—*  
(c) *infringe the privilege of Parliament*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information (PC045)*, the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, Section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, Section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination.

If you require any further information, please contact Vicky Cathro on (08) 8226 9769.

Yours sincerely



**Hon Rob Lucas MLC**  
*Principal Officer*

18 October 2019

**Schedule of Documents**

TRS19D1737

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	1/07/2019	Briefing from SafeWork SA		Released in part	6(1) - Unreasonable disclosure of personal affairs	
2	24/06/2019	Email (3:36pm)	4	Released in part	6(1) - Unreasonable disclosure of personal affairs	
3	24/06/2019	Email (3:13pm)	1	Released in part	6(1) - Unreasonable disclosure of personal affairs	
4	13/06/2019	PBN	4	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament	
5	24/05/2019	Calendar entry for discussion session on 5/7/19	1	Released in full		

**RELEASE**

## Marciano, Nino (DTF)

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**Subject:** 9:00am - 11:00am - Discussion session on Elevating Work Platforms Safety and the Recommendations of the Coroner in the Jorge Castillo-Riffo Inquest

**Location:** Treasurer's Boardroom, Level 8, 200 Victoria Square, Adelaide

**Start:** Fri 5/07/2019 9:00 AM

**End:** Fri 5/07/2019 11:00 AM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Lucas, Rob (DTF)

**Required Attendees:** Marciano, Nino (DTF); Campbell, Martyn (DTF); Sneath, Erin (DTF); Farrell, Glenn (DTF); Selley, Imogen (DTF)

24/5 – being organised by Erin Sneath – SafeWork SA

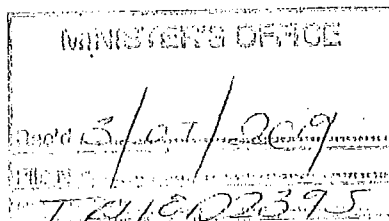
25/6 – Erin confirmed:-

Below are the attendees that have been confirmed to attend the discussion session on 5 July at 9:00am with the Treasurer.

- Martyn Campbell, SafeWork SA
- Glenn Farrell, SafeWork SA
- Erin Sneath, SafeWork SA
- Frank Keough, Health and Safety Operations Manager, McConnell Dowell Constructors (Aust.)
- Lex Hanegraaf, HSEQ Manager, Built Environs
- Pam Gurner-Hall
- Michael Ats, Lieschke and Weatherill
- Tim Nuttall, Vice President, Elevating Work Platform Association
- Jason Gaskill, South Australian President, Elevating Work Platform Association
- Angas Story, Secretary, SA Unions

**RELEASE IN PART**

## BRIEF



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IR.



MINUTES forming ENCLOSURE to

19SWSA0354

TO: TREASURER

SUBJECT: ELEVATING WORK PLATFORM SAFETY DISCUSSION SESSION

### PURPOSE

- To provide you with information in preparation for the discussion session on 5 July 2019 on elevating work platform (EWP) safety and the recommendations of the Coroner in the Jorge Castillo-Riffo Inquest.

### BACKGROUND

- On 23 November 2018, I provided you with a briefing (18SWSA0657) about the Inquest findings of the State Coroner in relation to the death of Mr Jorge Castillo-Riffo who was fatally injured whilst working at the new Royal Adelaide Hospital construction site in November 2014.
- The Coroner has made six recommendations that in the opinion of the Court might prevent, or reduce the likelihood of a recurrence of an event similar to the event that was subject to the Inquest.
- To assist the Government in considering the recommendations, on 3 December 2018, I wrote to over 100 groups seeking their views and industry specific advice on how the changes recommended by the Coroner may impact their operating practices and impact or improve safety on work sites.
- A total of 25 responses were received from various interested groups. A summary of the responses was provided to you in a further briefing on 21 February 2019 (19SWSA0089 – Attachment A). A copy of each response has not been included with this briefing due to their size.
- To gain further insight into the views of interested groups you have agreed to participate in a discussion session on Friday 5 July 2019, to be attended by a small group of organisations representing industry and unions.

### DISCUSSION

#### Discussion session

- The discussion session has been allocated a period of two hours. A draft agenda is provided as Attachment B for your consideration.
- The following people/groups have accepted an invitation to participate in the discussion session:
  - Frank Keough, Health and Safety Operations Manager, McConnell Dowell Constructors (Aust.)
  - Lex Hanegraaf, HSEQ Manager, Bullt Environments

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- Pam Gurner-Hall (partner of Jorge Castillo-Riffo)
- Michael Ats, Lieschke and Weatherill (legal representative for Ms Gurner-Hall)
- Tim Nuttall, Vice President, Elevating Work Platform Association
- Jason Gaskill, South Australian President, Elevating Work Platform Association
- Angus Story, Secretary SA Unions
- Master Builders Association declined the invitation.
- Of the groups attending the discussion session, SafeWork SA received written submissions from following groups as part of the initial consultation undertaken in December 2018:
  - Lex Hanegraaf, HSEQ Manager, Built Environments
  - Elevating Work Platform Association
  - Lieschke and Weatherill – representing the Construction, Forestry, Mining, Maritime and Energy Union, Australian Workers Union and the Communications, Electrical and Plumbing Union. This submission was endorsed by Ms Gurner-Hall.
- A copy of their submissions are provided again for your information (Attachment C).

#### EWP Audit

- In January 2019 SafeWork SA commenced a six-month audit campaign of EWPs in order to educate businesses and operators about their safety duties and enforce compliance with the law. The audit is a cross-industry campaign reviewing the safety of EWPs over three metres high.
- The audit campaign aims to ensure persons conducting a business or undertaking (PCBUs) have appropriate safe systems of work in place to protect and educate workers on their responsibilities when working with EWPs to ensure their own safety and the safety of their co-workers.
- As part of the audit tool PCBUs are asked a series of questions that relate to the Coroner's recommendations, in particular the use of spotters, standardised controls and if engineering controls have been retrospectively fitted to improve worker safety.
- A total of 235 audits have been undertaken since January 2019. The target of 300 was identified at the start of the project, however due to the significant workload of some teams and multiple compliance campaigns running concurrently, it is unlikely that this target will be able to be achieved by 30 June 2019.
- Whilst there is a reduction in the number of audits to be completed, it is unlikely that this will negatively impact SafeWork SA's ability to report duty holder's feedback on the Coroner's recommendations.
- The following notices have been issued during the audit campaign.
  - 59 improvement notices have been issued to PCBUs
  - 20 prohibition notices have been issued to PCBUs
- A summary of the core reasons for using notices is provided as Attachment D.
- A final report on the audit campaign will be prepared following the conclusion of the campaign on 30 June 2019. This report will assist SafeWork SA in forming a position on the Coroner's recommendations.

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Position on recommendations

- Following the discussion session SafeWork SA will provide you with a further briefing outlining SafeWork SA's position on each recommendation, with the exception of the recommendation relating to the provision of funding to enable families to be legally represented in Inquest's which has been directed to the Attorney-General.
- SafeWork SA notes that you have already indicated a position in relation to the standardisation of controls of scissor lifts across the country and the enforcement of a spotter being required during the operation of all scissor lifts.

*Note: I have not indicated a position or decision on these 2 issues at this stage. I have expressed some views - but will wait for results of final consultation (including this meeting) and advice before decisions.  
Ros Lucas 3/7/19*

**RECOMMENDATIONS**

That you:

- note the information in preparation for the discussion session on 5 July 2019 on elevating work platform safety and the recommendations of the Coroner in the Jorge Castillo-Riffo Inquest; and
- note that a further briefing will be provided to you following the information session providing SafeWork SA's position on the recommendations of the Coroner.

Should you wish to discuss this matter further, please contact me on (08) 8303 0230.



Martyn Campbell  
EXECUTIVE DIRECTOR  
SAFEWORK SA

7 July 2019

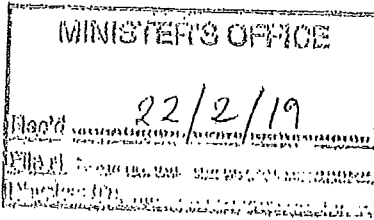
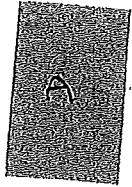
Attachments

- Attachment A - Briefing 19SWSA0089 & response table
- Attachment B - Draft Agenda
- Attachment C - Submissions from:  
Lex Hanegraaf  
Elevating Work Platform Association  
Lieschke and Weatherill Lawyers
- Attachment D - Core reasons for using notices

NOTED/APPROVED/NOT-APPROVED
<i>Ros Lucas</i>
Treasurer
Date: 3 / 7 / 2019

<b>Supported / Not Supported</b>
<i>[Signature]</i>
David R...
Chair...
Depart... 1 of 7 ...
0... 2... 7... 19

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9SWSA0089

MINUTES forming ENCLOSURE to

TO:           TREASURER  
CC:           UNDER TREASURER  
              DEPARTMENT OF TREASURY AND FINANCE

SUBJECT:   CONSULTATION OUTCOMES – CORONER'S RECOMMENDATIONS –  
              INQUEST INTO DEATH OF JORGE CASTILLO-RIFFO

**PURPOSE**

- To provide you with information about the responses received to the letter sent to stakeholders seeking comment on the State Coroner's recommendations contained within the Inquest findings in relation to the death of Mr Jorge Castillo-Riffo.

**BACKGROUND**

- On 23 November 2018, I provided you with a briefing (18SWSA0657) about the Inquest findings of the State Coroner in relation to the death of Mr Jorge Castillo-Riffo who was fatally injured whilst working at the new Royal Adelaide Hospital construction site in November 2014.
- A copy of my letter to stakeholders seeking their comment on the Coroner's recommendations was attached to the briefing.

**DISCUSSION**

- On 3 December 2018, I wrote to over 100 groups seeking comment on the Coroner's recommendations.
- I also wrote separately to the partner of Mr Castillo-Riffo, Ms Pam Gurner-Hall; the partner of Mr Stephen Wyatt, Mrs Debra Wyatt, who was fatally injured on the new Royal Adelaide Construction site in February 2016; and Ms Andrea Madeley the founder of Voloe of Industrial Death (VOID) which was established following the death of her teenage son, Mr Daniel Madeley in 2004.
- A total of 24 responses were received from various interested groups. Responses were received from Ms Gurner-Hall via her legal representative and Ms Madeley also responded. A summary of the responses is provided as a table as Attachment A.
- A copy of each response is provided as Attachment B.
- Below is a brief summary of the responses received on each recommendation.

**Recommendation 38.2**

*That the Elevating Work Platforms document dated September 2016 should be distributed on an annual basis electronically and in hard copy to all relevant building industry participants in South Australia. In addition, electronic links to the information sheet should be displayed permanently on SafeWork SA's webpage and be kept current. The associated minimum standard of training document should be brought into line to include references to clear lines of sight.*

- There was limited response to this recommendation, however responses received provided general support.

- Unions represented by lawyers submitted that accessing information rarely contributes to fatalities or serious injury. This submission also raised concerns that employer and head contractors frequently do not follow their own procedures and that the culture on the workplace needs to change.
- Several submissions noted that it is unclear whether information provided filters down to those who need it.

#### Recommendation 38.3

*That the question of standardising scissor lift controls be given far greater impetus at a State and National level and that it be elevated to COAG for the commissioning of a project to pursue the standardisation of controls in scissor lifts.*

- A majority of responses supported this recommendation.
- Submissions noted that by standardising controls would help reduce operator error as operators may use different elevating work platforms (EWPs) on the same day on the same site and travel between states and territories.
- Several submissions noted that work on this is already underway at an international level along with the revision of Australian Standards. One submission noted that standardisation could only be achieved if all jurisdictions and international suppliers were able to meet the requirements.

#### Recommendation 38.4

*That until the implementation of a system of effective standardisation of scissor lift control configuration across the country, that scissor lifts not be operated unless there is a person on the ground operating as a spotter who is available at all times to take steps to activate the emergency lowering mechanism should that be necessary.*

- This recommendation received the most polarising comments.
- Submissions supporting the recommendation cited the need for someone to activate the emergency lowering mechanism but some also noted it may be impractical in all situations and may detract from the need to adequately identify hazards.
- Submissions not supportive noted the implementation of a spotter could introduce new risks, should be risk based, should be done case-by case and would increase cost to projects.
- The lack of set training currently available for a spotter was also raised.

#### Recommendation 38.5

*That SafeWork SA consider whether the balance in the WHS Act and Regulations between safety being managed by risk assessment as opposed to express mandatory rules about what must occur in particular circumstances should be shifted in favour of more express mandatory rules and take that matter up with Safe Work Australia for consideration.*

- Comments included that there is a need to use both a risk based approach and mandated rules.
- Submissions also noted that risk based can be ambiguous, but mandated rules can easily become outdated and out of line with technology.
- It should be noted that the 2018 Review of model work health and safety laws identified the legislation is working well.

#### Recommendation 38.6

*That SafeWork SA should investigate, consider and report upon the world's best practice engineering solutions to protect workers against the risk of crushing due to overhead surfaces, including the availability and design of secondary protective systems including operator protective alarms and operator protective structures and the options for reform to require that all scissor lifts in use in South Australia have a secondary protection system.*

- Responses received provided general support.
- Submissions noted it would be more effective if protective systems were installed by the original manufacturers, which some are in the process of developing, noting there may be some risk to retrofitting.

#### Recommendation 38.7

*That the Government provide, through the Legal Services Commission, funding to enable families to be legally represented in inquests, for deaths in custody, and generally. I direct this recommendation to the Attorney-General.*

- There was limited response to this recommendation.
- VOID and lawyers representing several Unions supported the recommendation, noting the complexity of inquests and the graphic detail provided.
- As this recommendation is directed at the Attorney-General, a draft minute to the Hon Vickie Chapman MP, Attorney-General has been drafted for your consideration.

#### Discussion session

- SafeWork SA is now considering a response to the recommendations to provide to you for consideration.
- To assist you and SafeWork SA in further understanding the views of interested groups carefully, it may be beneficial for SafeWork SA to convene a discussion session on your behalf to allow parties to discuss the recommendations with you in person.
- If you agree to SafeWork SA convening a discussion session, it is recommended that the following groups as a minimum be invited to attend:
  - Construction, Forestry, Mining and Energy Union
  - Communications, Electrical and Plumbing Union
  - SA Unions
  - Master Builders Association
  - Civil Contractors Federation of SA
  - Elevating Work Platform Association
  - Construction Industry Training Centre
  - Access Training Centre
  - Pam Gurner-Hall (and her legal representative if she wishes)
  - Andrea Madeley

EWP Audit

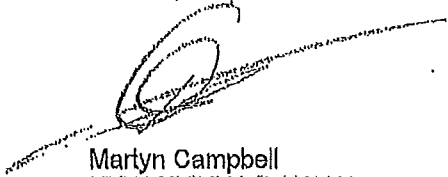
- As you are aware, SafeWork SA recently commenced a six-month audit campaign of EWPs in order to educate businesses and operators about their safety duties and enforce compliance with the law.
- As part of the audit tool PCBU's are asked a series of questions that relate to the Coroner's recommendations, in particular the use of spotters, standardised controls and if engineering controls have been retrospectively fitted to improve worker safety.
- The data from the audits will be valuable and will assist in assessing what controls industry are already using and how they relate to the recommendations.
- Once a position has been determined, it is recommended that SafeWork SA write to the Coroner providing information that addresses each recommendation.

**RECOMMENDATIONS**

That you:

- note the information about the responses received to the letter sent to stakeholders seeking comment on the State Coroner's recommendations contained within the Inquest findings in relation to the death of Mr Jorge Castillo-Riffo;
- advise whether you would like SafeWork SA to convene a discussion session on your behalf with key groups; and
- consider and sign the attached minute to the Hon Vickie Chapman MP, Attorney-General.

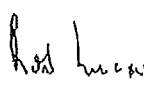
Should you wish to discuss this matter further, please contact me on telephone (08) 8303 0230.



Martyn Campbell  
EXECUTIVE DIRECTOR  
SAFEWORK SA

21 February 2019

*SWSA can conduct discussion session with key groups and present summary of views to me.*

NOTED/APPROVED/NOT APPROVED

Treasurer
Date: 14/4/2019

Author Pre	Author First Name	Author Last Name	Business Company	Recommendation 38.2 - that the Elevating Work Platforms document dated September 2016 should be distributed on an annual basis electronically and in hard copy to all relevant building industry participants in South Australia. In addition, electronic links to the information sheets should be displayed permanently on SafeWork SA's webpage and be kept current. The associated minimum standard of training document should be brought into line to include references to diesel fumes of sight.
Ms	Andrea	Madeley	Voice of Industrial Death (VOID)	N/A
Ms	Rebecca	Knol	South Australian Chamber of Mines and Energy	N/A
Mr	Michael	Ats	Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)	SUPPORTS. However, the Unions' comment that while improved information could be helpful, accessing information rarely contributes to fatalities or serious injury. Rather a worksite culture needs to focus on people behaving safely in a hazardous environment. They continue that the work method that resulted in Mr Castillo-Riffo's death, in terms of safety, relied on Mr Castillo-Riffo not making the merest mistake - an approach that was inconsistent with safety documentation at the site. The Unions' raised concerns that employers and head contractors frequently do not follow their own procedures and safety documentation or guidance material and a culture in the workplace needs to change.
Mr	Ben	Lamey	Kennett Builders Pty Ltd	N/A
			Construction Industry Training Centre	SOMEWHAT SUPPORTS raises concerns whether the documentation meets current needs. Some variants of this type of plant require specialised training. Suggests that more than one document is required to cover the variants of plant  Supports recommendations for minimum standard of training document and the line of sight recommendations.
Mr	Darren	Weels	BADGE Constructions	SUPPORTS.
Ms	Susie	Riali	Australian Gas Infrastructure Group	N/A
Mr	Allan	Moore	Access Training Centre	N/A



Photo	Author First Name	Author Last Name	Business Company	Recommendation 95 - The Elevator Work Platform document dated September 2018 is provided as printed on a physical basis electronically and in hard copy to all relevant building industry participants in South Australia. In addition, electronic links to the information sheets should be displayed permanently on SA's webpage and be kept current. The associated minimum standard of signage document should be brought into line to include references to clear lines of sight
Mr	Brian	Johnson	South Australian Fire and Emergency Services Commission	N/A
Ms	Dena	Van Zyl	Sarah Constructions Pty Ltd	N/A
Mr	Lex	Hanegraaf	Built Environs	SUPPORT
Mr	Rob	Stobbe	SA Power Networks	SUPPORTS
Mr	Danny	Harmer	Access Training Centre	SOMEWHAT SUPPORTS Comments that while the document can be useful, it needs to be applied in the correct situation. In addition, not sure how the information will filter down to end users.
Mr	Stevie	Sanders	Local Government Association of South Australia	NO POSITION Dissemination of guidance documentation to a particular industry group could send the wrong message to other industries
Mr	John	Chapman	Small Business Commissioner of South Australia	SUPPORTS
Mr	Ian	Markos	Master Builders South Australia	N/A
Mr	Ben	Simpson	National Electrical and Communication Association	N/A



Author	Author First Name	Author Last Name	Business Company	Recommendation 38.2 - that the Elevating Work Platforms document dated September 2016 should be distributed on an annual basis electronically and in hard copy to all relevant building industry participants in South Australia. In addition, electronic links to the information sheets should be displayed permanently on SafeWork SA's webpage and be kept current. The associated minimum standard of training document should be brought in line to include references to clear lines of sight.
Mr	Stephen	Myatt	AI Group	<b>SUPPORTS</b> Distribution of document should be given to manufacturers as well.
			South Australian Wine Industry Association Inc.	<b>SOMEWHAT SUPPORTED</b> Distribution of document on an annual basis would have limited effect and would most likely not reach the workers who require it.  In terms of minimum standard of training, SAWIA suggests SafeWork SA explore expanding HRWL to include MEWPs
Mr	David	Place	SA Ambulance Service	N/A

Group	Author's Name	Author's Name	Business/Company	Topic	Notes
Ms	Andrea	Madeley	Voice of Industrial Death (VOID)		<p>Are commentaries on the question of standardising lift controls or other material impediments. Significant national level and that it be elevated to COAG for the commissioning of a project to pursue the standardisation of controls in scissor lifts.</p> <p>SUPPORTS. Strongly supports standardisation. Notes that significant design changes to mobile plant may be a contributing factor leading to errors when operating the controls in an unexpected emergency, and could contribute to fatalities.</p> <p>Uses example of cars.</p>
Ms	Rebecca	Knol	South Australian Chamber of Mines and Energy		<p>SUPPORTS</p>
Mr	Michael	Ats	Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)		<p>SUPPORTS. Strongly supports standardisation. Notes that significant design changes to mobile plant may be a contributing factor leading to errors when operating the controls in an unexpected emergency, and could contribute to fatalities.</p> <p>Uses example of cars.</p> <p>Further, they argue that workers can find themselves operating different EWP's on the same day on the same site. In addition, EWP's may be transported between state and territories, and some operators move between state and territories on larger projects so national control standardisation is necessary.</p>
Mr	Ben	Lamey	Kennett Builders Pty Ltd		N/A
			Construction Industry Training Centre		<p>SUPPORTS. From a training/WHS perspective, there is value in having one standardised set of controls across the plant.</p> <p>Areas that will need to be considered: offshore manufacturing, patents and marketing; design registration; change of AS/NZ1418; retrofitting existing plant; criteria and selection process for standardised controls and what makes one set of controls safer than another set?</p>
Mr	Darren	Weels	BADGE Constructions		<p>SUPPORTS. They comment that by creating consistency with operating controls would help reduce the risk of operator error and may provide standardisation of training for operators.</p>
Ms	Susie	Rialt	Australian Gas Infrastructure Group		N/A
Mr	Allan	Moore	Access Training Centre		<p>NO POSITION. Comments that work is underway to standardise scissor lift control levers for direction of travel. However, other design standards need to be looked at.</p>



Author/First Name	Author/Last Name	Business Company	Recommendation 38.3 - that the question of standardising controls be given the greater impetus at a State and National level and that it be elevated to COAG for the commissioning of a project to pursue the standardisation of controls in scissor lifts
Mr Brian	Johnson	South Australian Fire and Emergency Services Commission	SUPPORTS
Ms Dena	Van Zyl	Sarah Constructions Pty Ltd	SUPPORT
Mr Lex	Hanegraaf	Built Environs	SUPPORT Comment that many work processes become 'automatic' to the operator due to the repetitive nature of the work. Standardising controls could avoid risks involved should they be activated or moved incorrectly. High Visual stickers have been used in some instances. This could also be considered.
Mr Rob	Stobbe	SA Power Networks	SUPPORTS
Mr Danny	Harmer	Access Training Centre	SUPPORTS
Mr Stevie	Sanders	Local Government Association of South Australia	SUPPORTS however, unsure of timeframes and expectations regarding retrograde standardisation of controls to current equipment. Consideration must be given to cost, work involved and training of workers.
Mr John	Chapman	Small Business Commissioner of South Australia	SUPPORTS EVPs should be considered high-risk plant. This recommendation should be a high priority.
Mr Ian	Markos	Master Builders South Australia	NO POSITION Comments that when used and maintained correctly, EVPs are safe to use.
Mr Ben	Simpson	National Electrical and Communication Association	N/A

Name	Authorisation	Authorisation No.	Business Company	Comments
Mr Stephen Myatt	A1 Group		A1 Group	<p>Recommendation is that the question of standardising all forklift controls be given greater importance. Standardisation of controls at National level and that be elevated to COAG for the commissioning of a project to pursue the standardisation of controls in forklifts.</p> <p><b>SUPPORTS</b> greater input would be needed from technical experts; Standardisation could only be achieved if all jurisdictions and international suppliers were able to meet the requirements.</p>
[REDACTED]	[REDACTED]	[REDACTED]	South Australian Wine Industry Association Inc.	<p><b>NO POSITION</b> Comments that this undertaking may not be uniformly accepted and could be problematic. Considering forklifts, not all operational controls are the same yet operators should be deemed competent to be able to use each style and have met the minimum training requirements by holding a HRWL. The same should be considered for MEWPs</p>
Mr David Place			SA Ambulance Service	N/A



Author First Name	Author Last Name	Business Company	Recommendation 38.4
Ms Andrea	Mr Madeley	Voice of Industrial Death (VOID)	Recommendation 38.4 - that until the implementation of a system of effective standardisation of scissor lift control configuration across the country, that scissor lifts not be operated unless there is a person on the ground operating as a spotter who is available at all times to take steps to activate the emergency lowering mechanism should that be necessary
Ms Rebecca	Mr Krul	South Australian Chamber of Mines and Energy	SOMEWHAT SUPPORTS, however, suggests replacing 'spotter' with 'intelligent secondary guarding', such as audible or visual warning systems. Concerns that employing a 'spotter' creates another layer of safety issues
Mr Michael	Ms Ats	Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)	SUPPORTS  STRONGLY SUPPORTS. The Unions' recommend that until EWP control configurations are standardised, a spotter should be available at all times to activate the emergency lowering mechanism, if necessary.  Suggests urgent implementation.
Mr Ben	Mr Lamey	Kennett Builders Pty Ltd	SUPPORTS. Suggests that EWPs are not operated unless there is spotter on the ground at all times to activate the emergency lowering mechanism, if necessary. However, it is acknowledged that this would add cost to a construction project. SUPPORTS. Comments that is may not be reasonably practicable in every circumstance. A minimum standard of training should be considered at some stage for spotters, however there is no set training course for this as yet.
Mr Darren	Mr Weels	BADGE Constructions	DOES NOT SUPPORT - While BADGE supports having an effective emergency retrieval process in place for EWP works, they disagree with mandating a spotter. It should be done on a case-by-case basis.
Ms Susie	Mr Riall	Australian Gas Infrastructure Group	N/A
Mr Allan	Mr Moore	Access Training Centre	SUPPORTS when used indoors or where an overhead crush is a risk.

Mr/ Ms/ M/ Mrs/ Ms/ Mx	Mr/ Ms/ M/ Mrs/ Ms/ Mx	Mr/ Ms/ M/ Mrs/ Ms/ Mx	Mr/ Ms/ M/ Mrs/ Ms/ Mx	Business Company	Recommendation
Mr	Brian	Johnson	South Australian Fire and Emergency Services Commission	SUPPORTS in conjunction with recommendation 38.6	
Ms	Dena	Van Zyl	Sarah Constructions Pty Ltd	<b>NOT SUPPORTED</b> - While Sarah Constructions agrees that certain scenarios would benefit with the use of a spotter, this requirement should not be compulsory and should instead be considered as part of the risk assessment process. Further, it could introduce new risks to personnel that are working within the vicinity of the EWPs.	
Mr	Lex	Hanegraaf	Built Environments	<b>NO POSITION</b> Comments that this recommendation should be assessed with great caution. Suggests that a mandatory spotter may present additional risks including their own health and safety. However, a spotter/another worker should be made available if mobile plant is being used in an area that is isolated from other workers.	
Mr	Rob	Stobbe	SA Power Networks	<b>SOMEWHAT SUPPORTS</b> as a short-term measure for major construction projects. However, is would be more feasible to have an observer within site of the scissor lift rather than a direct spotter, per se; this may not be reasonably practicable for small business operators and may introduce unsustainable costs; it may deter some business operators from using this method and choose riskier methods (eg ladders) that could create a greater risk of injury or fatality.	
Mr	Danny	Harmer	Access Training Centre	<b>SOMEWHAT SUPPORTS</b> questions the logistics of a worker being available for the sole purpose of spotting. Argues that the risk of overhead crushing should be identified with the risk assessment, and if so, a trained spotter is put in place should it be identified. Comments that there could also be risks to the spotter.	
Mr	Stevie	Sanders	Local Government Association of South Australia	<b>NOT SUPPORTED</b> to mandate this recommendation without consideration of the circumstances of operations or associated risks is at odds with current WHS legislation, and may introduce further costs on duty holders. A spotter may not be required in no crushing risk exists.	
Mr	John	Chapman	Small Business Commissioner of South Australia	<b>SUPPORTS</b> In addition, a specific Code of Practice for EWPs should also be developed.	
Mr	Ian	Markos	Master Builders South Australia	<b>NOT SUPPORTED</b> Comments that were the risk of a crush injury is identified as a potential hazard, the Hierarchy of Controls must be followed. A number of controls must be explored. Where the risk of crush injury can not be fully eliminated, a support person could be required to observe the EWP operations. The Australian Standard AS2550.10 (2006) already adequately deals with the safe use of EWPs including spotters.	
Mr	Ben	Simpson	National Electrical and Communication Association	<b>NOT SUPPORTED</b> due to additional costs to business; training for spotters; as MEWP operators are trained on non-standardised plant, having a spotter until standardisation occurs is 'nonsense'; project delays which could add to completion time pressures/rush jobs leading to more safety risks. The addition of spotters would be a 'heavy burden on industry'. AS2550.10 (2006) already discusses the use of ground support personnel.	



Author Name	Author Last Name	Business Company	Recommendation 38/4: The until the implementation of a system of effective standardisation of scissor lift control configuration across the country, that scissor lifts not be operated unless there is a person on the ground operating as a spotter who is available at all times to take steps to activate the emergency lowering mechanism should that be necessary.
Mr Stephen	Myatt	AI Group	<b>NOT SUPPORTED</b> it would create an additional cost; unsure of the need in industry as some may already use spotters; there may not be a need for a spotter in all circumstances.
[REDACTED]	[REDACTED]	South Australian Wine Industry Association Inc.	<b>NOT SUPPORTED</b> To mandate this recommendation without consideration of the circumstance is not a decision based on risk. Spotters may be justified where a crush risk is identified. Also raised concerns about cost.
Mr David	Place	SA Ambulance Service	N/A

Mr/Pt	Author	First Name	Unit of Test Name	Business/Company	Recommendation 85 - that State WorkSA consider whether the balance in the WHSA and Regulations is better safety being managed by risk assessment as opposed to express mandatory rules about what must occur in particular circumstances should be shifted in favour of more express mandatory rules and take that matter up with Safe Work Australia or outside a jurisdiction.
Ms	Andrea	Madeley	Voice of Industrial Death (VOID)		<b>SUPPORTS.</b> Supports Coroner's law reform proposal. Supports law reform to improve how a workplace death is managed, in an effort to avoid aggravation to the bereavement process and prevent psychological harm to families. The current system is slow, cumbersome and time-consuming. Compensation scheme denies a claim for psychological harm when a fatality occurs. However, supports harmonised laws so any legislative reform must be approached with a view to maintaining harmonisation with other jurisdictions.
Ms	Rebecca	KnoI		South Australian Chamber of Mines and Energy	<b>SUPPORTS</b>
Mr	Michael	Ats		Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)	<b>SUPPORTS.</b> The Unions' claim that the WHS legislation is failing because it is premised on considered risk assessments. However, they comment that in their experience most employers focus on 'paper compliance' and not actual safe work practices. They continue that 'hard and fast rules' from training are often retained, whereas 'diffused notions of risk assessment in busy workplaces are ineffective'.
Mr	Ben	Lamey		Kennett Builders Pty Ltd	<b>SUPPORTS.</b> There will always be a need for a 'risk based' approach to safety management, however, there are some specific conditions and circumstances that warrant a mandated approach which essentially forces a business to comply.
				Construction Industry Training Centre	<b>SUPPORTS</b> Comments that express mandatory rules from WHS regulators would ensure consistency at a minimum standard and remove ambiguity that comes with "risk assessments".
Mr	Darren	Weels		BADGE Constructions	<b>NO POSITION.</b> Comment that there are already mandatory rules in various circumstances, Codes of Practices and Australian Standards.
Ms	Susie	Riali		Australian Gas Infrastructure Group	N/A
Mr	Allan	Moore		Access Training Centre	<b>SUPPORTS</b> especially for activities where a high risk of injury or death exists. Concerns that risk assessments are too reliant on an individual or a company's goals or work culture.



Author First Name	Author Last Name	Business Company	Recommendation 38.5 - that Safe Work SA consider, whether the balance in the WHS Act and Regulations between safety being managed by risk assessment, as opposed to express mandatory rules about what must occur in particular circumstances, should be shifted in favour of more express mandatory rules and take that matter up with Safe Work Australia for consideration.
Mr Brian	Johnson	South Australian Fire and Emergency Services Commission	SUPPORTS in conjunction with recommendation 38.6
Ms Dena	Van Zyl	Sarah Constructions Pty Ltd	SUPPORTS Comments that this will remove ambiguity with an individuals' interpretation of the legislation/risks. It will also ensure consistency for contractors and subcontractors.
Mr Lex	Hanegraaf	Built Environs	NO POSITION Comments that education, information and guidance material might be a more appropriate avenue for those companies that have difficulty conducting their risk assessments and applying reasonably practicable controls.
Mr Rob	Stobbe	SA Power Networks	SUPPORTS as it may be beneficial for small business operators who may not share the same risk management approach as a larger business.
Mr Danny	Harmer	Access Training Centre	SUPPORTS
Mr Stevie	Sanders	Local Government Association of South Australia	NO POSITION Comments that there are pros and cons of prescriptive rules vs 'goal setting'/risk assessments. Suggests its more a matter of the chosen system being monitored (i.e. if you don't enact the prescribed control or the risk assessment, you have the same exposure).
Mr John	Chapman	Small Business Commissioner of South Australia	SUPPORTS EWP's should be deemed and managed as high-risk plant.
Mr Ian	Markos	Master Builders South Australia	N/A
Mr Ben	Simpson	National Electrical and Communication Association	SOMEWHAT SUPPORTS. Suggests that Safe Work Australia consider a model Code of Practice for MEWPs, and, if not, then consider revising the existing model Code of Practice for 'Managing Risk of Plant in the Workplace'.

Author First Name	Author Last Name	Business Company	Recommendation
Mr Stephen	Myatt	Ai Group	<p>Recommendation 18.5: 'that Safe Work' - 'A consideration of the balance in the WHS Act and Regulations between safety being managed by risk assessment as opposed to express mandatory rules about what must occur in particular circumstances should be tilted in favour of more express mandatory rules and take that matter up with Safe Work Australia for consideration.'</p> <p><b>NOT SUPPORTED</b> as mandatory rules and regulations are unlikely to keep up with technological advances.</p>
[REDACTED]	[REDACTED]	[REDACTED]	<p><b>NOT SUPPORTED</b> Uses the Robens Reports (1972, UK) as an example. Comments that businesses where the experts in managing their own risks. Mandated rules may become outdated, over-complex or inadequate. A self-regulated approach can reflect the 'changing world'.</p>
Mr David	Place	SA Ambulance Service	N/A

Author First Name	Author Last Name	Business Company	Recommendation 38.4
Ms Andrea	Madeley	Voice of Industrial Death (VOID)	Recommendation 38.4 that SafeWork SA should investigate, consider and report upon the world's best practice engineering solutions to protect workers against the risk of crushing due to overhead surfaces, including the availability and design of secondary protective systems including operator protective alarms and operator protective structures and the options for reform to require that all scissor lifts in use in South Australia have a secondary protection system.
Ms Rebecca	Knol	South Australian Chamber of Mines and Energy	SUPPORTS. Seeks 'intelligent secondary guarding' systems (see Recommendation 38.4 for comments)
Mr Michael	Ats	Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)	SUPPORTS but acknowledges there could be complexities to determine the most appropriate engineering solutions.
Mr Ben	Lamey	Kennett Builders Pty Ltd	N/A
		Construction Industry Training Centre	SUPPORTS Comments that it should not only be for scissor lifts but for all variants of this type of plant that have similar risks.
Mr Darren	Weels	BADGE Constructions	SUPPORTS. Seeks that SafeWork SA should consider best practice. Any engineering solution or guarding that can be implemented by machine suppliers that would aid in the protection of workers should be supported.
Ms Susie	Riati	Australian Gas Infrastructure Group	N/A
Mr Allan	Moore	Access Training Centre	N/A



Thopper	Abroad Name	Author Name	Business Company	Recommender Name
Mr	Brian	Johnson	South Australian Fire and Emergency Services Commission	SUPPORTS (provided example of SkySirenPCS - Intelligent Secondary Guarding).
Ms	Dena	Van Zyl	Sarah Constructions Pty Ltd	SUPPORT
Mr	Lex	Hanegraaf	Built Environs	SUPPORTS
Mr	Rob	Stobbe	SA Power Networks	SUPPORTS Controls will need careful consideration to ensure they cannot be overridden by workers, and that they do not introduce more/new risks.
Mr	Danny	Harmer	Access Training Centre	SUPPORTS Suggests that this strategy would be most effective when it is done by the OEM rather than retrofitted.
Mr	Stevie	Sanders	Local Government Association of South Australia	SUPPORTS
Mr	John	Chapman	Small Business Commissioner of South Australia	SUPPORTS
Mr	Ian	Markos	Master Builders South Australia	N/A
Mr	Ben	Simpson	National Electrical and Communication Association	SUPPORTS

Title	Author First Name	Author Last Name	Business Company	Recommendation 38.6 that SafeWork SA should investigate, consider and report upon the world's best practice engineering solutions to protect workers against the risk of crushing due to overhead surfaces, including the availability and design of secondary protective systems including operator protective alarms and operator protective structures and the options for reform to require that all scissor lifts in use in South Australia have a secondary protection system.
Mr	Stephen	Myatt	AI Group	<b>SUPPORTS</b> This should be adopted nationally.
			South Australian Wine Industry Association Inc.	<b>SUPPORTS</b> Australian standards and International Standards should also be examined.
Mr	David	Place	SA Ambulance Service	N/A

Inquirer	Authoritative Authority	Business Company	Recommendation SS 7 enable families to be legally represented in Inquests for deaths in custody and generally. I direct this recommendation to the Attorney General
Ms Andrea	Madeley	Voice of Industrial Death (VOID)	<b>SUPPORTS.</b> It is important that families are able to ask questions rather than remain mere spectators. Families have a right to find out the truth of what happened. However, self-represented families are exposed to sometimes very graphic evidence, which is a further burden best avoided.
[REDACTED]			
Ms Rebecca	Knol	South Australian Chamber of Mines and Energy	<b>SUPPORTS</b>
Mr Michael	Ais	Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)	<b>SUPPORTS.</b> The Unions' comment that the scale of documentary evidence and materials during an inquest would make it near impossible for a bereaved family with legal representation to properly or fairly engage in the inquest.
Mr Ben	Lamey	Kennett Builders Pty Ltd	N/A
[REDACTED]			
Mr Darren	Weels	BADGE Constructions	N/A
[REDACTED]			
Ms Susie	Riall	Australian Gas Infrastructure Group	N/A
Mr Allan	Moore	Access Training Centre	N/A



Author First Name	Author Last Name	Business Company	Recommendation 38.7 - that the Government provide through the Legal Services Commission, funding to enable families to be legally represented in inquests for deaths in custody, and generally. I direct this recommendation to the Attorney-General.
Mr Brian	Johnson	South Australian Fire and Emergency Services Commission	N/A
Ms Dena	Van Zyl	Sarah Constructions Pty Ltd	N/A
Mr Lex	Hanegraaf	Built Environs	N/A
Mr Rob	Stobbe	SA Power Networks	SUPPORTS
Mr Danny	Harmer	Access Training Centre	N/A
Mr Stevie	Sanders	Local Government Association of South Australia	SUPPORTS
Mr John	Chapman	Small Business Commissioner of South Australia	NO POSITION
Mr Ian	Markos	Master Builders South Australia	N/A
Mr Ben	Simpson	National Electrical and Communication Association	N/A

Author Name	Title	Business Company	Recommendation 387 that the Government provide through the Legal Services Commission funding to enable families to be legally represented in inquests for deaths in custody and generally. I direct this Commission to the Attorney-General.
Mr Stephen	Myatt	Ai Group	N/A
[REDACTED]	[REDACTED]	South Australian Wine Industry Association Inc.	N/A
Mr David	Place	SA Ambulance Service	N/A



Author First Name	Author Last Name	Business Company	Office Comments
Ms Andrea	Madeley	Voice of Industrial Death (VOID)	
Ms Rebecca	Knol	South Australian Chamber of Mines and Energy	
Mr Michael	Asts	Lieschke and Weatherill Lawyers (on behalf of CFMEU, AWU and CEPU)	<p>Workers should not be punished (i.e.. Lose job, not rostered on, not rehired etc.) for speaking up about dangerous work.</p> <p>Improving WHS law enforcement - The Unions' welcome SafeWork SA's intention to significantly improve its investigation and prosecution practices.</p> <p>All EWP's should be classified as high risk plant.</p>
Mr Ben	Lamey	Kennett Builders Pty Ltd	
		Construction Industry Training Centre	<p>Suggests that a working group consisting of national WHS regulators and EWP/subject matter experts to consider way to improve safety - either mechanical OR training related.</p> <p>Consider a special project to see if additional statistics/evidence is required.</p> <p>Consider a national audit of EWPs</p>
Mr Darren	Weels	BADGE Constructions	
Ms Susie	Riali	Australian Gas Infrastructure Group	No EWPs in operation at any of their depots so will not make any comment on the recommendations.
Mr Allan	Moore	Access Training Centre	

Thorpé	Author Name	Author's Name	Business Company	Other Comments
Mr	Brian	Johnson	South Australian Fire and Emergency Services Commission	
Ms	Dena	Van Zyl	Sarah Constructions Pty Ltd	
Mr	Lex	Hanegraaf	Built Environs	SafeWork SA could consider licensing requirements for the use of MEWPs and include it in the HRWL framework, and greater penalties under WHS legislation in the use of MEWPs.
Mr	Rob	Stobbe	SA Power Networks	
Mr	Danny	Harmer	Access Training Centre	
Mr	Stevie	Sanders	Local Government Association of South Australia	
Mr	John	Chapman	Small Business Commissioner of South Australia	
Mr	Ian	Markos	Master Builders South Australia	
Mr	Ben	Simpson	National Electrical and Communication Association	